

MINUTES OF THE MEETING OF THE BOARD OF ZONING APPEALS
CITY COUNCIL CHAMBERS, 330 CITY HALL
ST PAUL, MINNESOTA, SEPTEMBER 4, 2013

PRESENT: Mmes. Maddox, Bogen and Morton; Messrs. Courtney, Ward, Saylor and Wilson of the Board of Zoning Appeals; Mr. Warner, City Attorney; Mr. Diatta, Ms. Lane and Ms. Crippen of the Department of Safety and Inspections.

ABSENT: None

The meeting was chaired by Joyce Maddox, Chair.

Richard Lang (#13-218991) 235 Marshall Avenue: Several variances of the sign code requirements in order to install new signage for the Saint Paul College.

1) The sign code allows one identification sign not exceeding 30 square feet per street frontage.

NORTH FRONTAGE

There is an existing 120 square foot wall sign on the northeast corner of the college building. The applicant is proposing to install 4 new wall signs totaling 214 square feet on the north side of the new parking ramp facing the same frontage as the existing wall sign, resulting in a variance request of 4 signs and a variance request of 214 additional square feet of signage.

EAST FRONTAGE

There is an existing 44 square foot free standing sign on the east side of the school building. The applicant is proposing an additional 3.76 square foot wall sign, resulting in a variance request of 1 additional sign and a variance request of 3.76 additional square feet of signage.

SOUTH FRONTAGE

There is an existing 36 square foot free standing sign on the south side of the school building. The applicant is proposing one additional 53 square foot wall sign, resulting in a variance request of one additional sign and a variance request of 59 additional square feet of signage.

2) The sign code allows one bulletin board not exceeding 30 square feet on the property. A sign with dynamic display is a type of bulletin board. A sign with dynamic display must be monochromatic and the display cannot change faster than once every 20 minutes. The applicant is proposing a 145 square foot bulletin board sign with dynamic display for a variance of 115 square feet; the applicant is also requesting variances of the color and message frequency requirements to allow a full color display with changeable copy every 30 seconds.

Mr. Diatta showed the site plan and reviewed the staff report, based on findings 1 through 6, staff recommends approval of the variance for amount of signage requested. Staff further recommends that the request to allow a full color sign with digital display that would change its message every 30 seconds be denied based on findings 1 through 4, and 6.

Two letters were received opposing the variance request.

One letter was received from District 8 supporting the variance request.

Mr. Ward asked Mr. Diatta to explain why a full color sign would be more distracting than a monochromatic colored sign. Mr. Diatta replied that in the zoning study done in 2009, safety was a major area of concern for these signs. There was a moratorium imposed on signs with digital display until the study was completed. At the end of the study it was determined that one color is less distracting to drivers than a full color sign, because of all the effects that these signs create. That is why the monochromatic sign was given priority over the multi color signs, especially in residential districts. Also a message display that changes every 30 seconds causes drivers to tend to want to see what is coming next and the sign could be a distraction, whereas a sign that changes every 20 minutes, if the next message is coming in an hour, drivers will be more likely to continue on rather than waiting to see it. Mr. Ward discussed the full color sign granted to John's Pizza at the Front, Dale and Como intersection, noting that it does tend to be a distraction to drivers when it is flashing people and events. He further questioned Mr. Diatta that the full color sign is still not allowed. Mr. Diatta replied that is correct.

The applicant **RICHARD LANG**, Visual Communications, Inc. - 475 Cleveland Avenue North Ste 223, was present with Shaun Hamilton, 345 Marshall Avenue, Vice President of Finance & Operation of the St. Paul College. Mr. Hamilton discussed the history of the college and the recent name change. He stated that the signage on the north side of the building has not changed in the last 11 years since we changed to meet the demands of the student body and the community. They feel it is important to have more of a presence on the north side of the building facing highway 94. Mr. Hamilton discussed the north, east and south frontages and the proposed size of signage for the locations. Noting that the entrances on the north side are not identifiable at the moment and they want to fix this to help emergency staff respond to the correct location.

Mr. Lang discussed the college and the proposed signs concentrating on the digital sign. Stating that the signage of a building is like the jewelry on an outfit, it tells how everything comes together. He explained that they designed the sign so that the narrowest edge is facing the capitol plaza so as not to infringe on the views of the capitol. They thought that it might not be worth it to make the sign changeable if it only changes every 20 minutes. Mr. Lang stated that a monochromatic sign does not present the image that the college wants to present to the public. They believe that the sign is more readable when the sign is in color and they feel that the 30 seconds between changes is just right for their purpose.

Mr. Ward and Mr. Lang discussed the intersection coming off of Highway 94, placing a digital sign there, at night the lumens could blind someone at this intersection where people coming off of 94 often do not see people coming across the bridge causing accidents, adding the digital signage in that area that is already difficult to see what is happening in the intersection. Mr. Ward asked Mr. Lang what brightness the sign would be at night and if there is a provision where the light gets scaled back so it does not cause a blinding effect. Mr. Lang replied that the sign is only on from 7:00 am until 10 pm. The sign automatically goes down when the sun goes down and there is another dimmer switch beyond that that can dim it further. He stated that they think that the sign is far enough back from the intersection to not cause a hazard to traffic, but they are willing to move it back further if necessary. Mr. Ward asked Mr. Lang about the walking traffic coming from the college to that intersection, noting how difficult it is to see people trying to cross the street at that intersection. Mr. Lang stated that the sign will be placed at least 40-50 feet back from the intersection, allowing drivers enough time to read the sign and be well beyond the sign before they get into the intersection, it should not be a distraction. Again the location of the sign is not set in stone and we are willing to move it at the Board's discretion.

There was opposition present at the hearing.

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Jeanie Weigum, 1647 Laurel Avenue, is representing Scenic St. Paul, they are supporting staff's recommendation regarding the digital sign and they are opposed to the huge variation in size of the sign, as well as the length of time before the copy changes, and the issue of color versus the monochromatic display. She continued that Mr. Lang stated that this is like jewelry and she agrees. People are getting off the freeway at that intersection and it is a gateway to the city and the jewelry should be attractive, not garish. They do not want it to look like Las Vegas, they want to look like St. Paul, like Summit Avenue. The City Council worked very hard on the sign ordinance changes that took place. It is only fair to respect the work done by the Council who set these regulations in place. The only people who will view these signs are people in traffic and the goal of the sign is to take eyes off the road. That is not a great idea at a busy intersection where there is a lot of moving stuff. We oppose the digital sign and support the staff report denying the multi color digital sign.

Ms. Bogen asked Mr. Weigum if she supports the smaller signs around the campus. Ms. Weigum replied that they have no problem with the other signage, Scenic St. Paul did meet with the College and indicate that we have no problem with the other signs. They also met with St. Paul College about the digital sign and at that time they seemed surprised that there were restrictions on digital sign usage. They seemed unfamiliar with the ordinance Scenic St. Paul really pushed the St. Paul College on this issue and explained how strongly we felt and how the Council felt about this because the Council put it into an ordinance recently. The usage of digital signs is exploding, the capacity to have these kinds of signs is exploding and the price is going down. The decision the Board makes today really is precedent setting. This is the gateway to the City, what do we want it to look like, because the opportunity exists to have every exit ramp to have these things, is that what we want for our city?

Mr. Ward asked Ms. Weigum what if the sign is the same size with full colors, and is back lit, except the picture is static it does not change, would they be opposed to that. Ms. Weigum replied that she thinks that the whole thing with the digital sign is the ability to change and that is what they are after. There are all kinds of multi colored signs about and she has no objection to a multi colored sign that is static, that is not the issue, it is the color and the movement.

Mr. Saylor and Ms. Weigum discussed the Xcel sign, Scenic St. Paul opposed that sign and if the neighbors are asked they are opposed to the sign. That sign came about because of some errors that the City made and the City was forced to take that sign, it had to do with a lawsuit regarding off premises advertizing. The City is stuck with it, she did not think it was a good idea then and she still does not think it is a good idea. It is a gateway to St. Paul although it is not over by Highway 280 or 35E, but it is the gateway to the City, coming down 94 from Minneapolis that is where cars get off the freeway. Mr. Saylor stated that if the gateway to our City is advertizing education he thinks that is a good thing. Ms. Weigum replied that sign codes are not about content, sign codes are content neutral, the minute someone slips into content they are violating the first amendment.

John Manillo, 1335 Beachwood Avenue, stated that he is speaking as chair of the Downtown Development Committee for District 17. They met with the St. Paul College to discuss these proposals about one year ago. The College is requesting three variances and two we approved at the committee level, unanimously. We unanimously denied a digital sign for this location. This sign will be set in District 8 but be seen in District 7 and District 17 by residents. The sign will affect those districts and it will also affect the capitol area. We felt it was not dignified for the Capitol Area. We felt that the digital sign would take away from not only the Capitol but from the College as well. He stated that he was chair of the committee when the sign for Xcel was approved. We approved it based on the fact that the residents thought it would be alright, that there would be not outside advertizing, only what was going on within the building was to be

advertized on the sign. That did not last long, digital signs are very easy to change, if someone offers enough money to use the sign it will be good for the College.

Mr. Ward questioned Mr. Manillo about how the sign would be impacting other Districts. Mr. Manillo replied it would be visible, although it would be dimmed at night it would still be brighter than anything else around it. It would be facing the History Center, walking to the east side of the Capitol it will be seen. Maybe only about 40% of it may be seen but it will be seen at such a distance because there is nothing between the Capitol and the College. The people who approved the Xcel Energy sign, the residences there were very much against it once it was up. They made a big mistake, they did not think it would be a problem, some of them still live there and were present for the meeting with Mr. Lang and Mr. Hamilton stating their opposition to the sign.

Paul Mandell, 8320 Cleades Avenue, Inver Grove Heights, stated he is representing the Capitol Area Architectural and Planning Board as their Principal Planner and as their Zoning Administrator. He submitted a packet of information to the Board. He stated that depending on the placement of this sign it may be out of the BZA's jurisdiction and into our jurisdiction and the Capitol Area does not permit digital signs of any kind. If the sign falls within 50 feet of the curb line it would be in our jurisdiction and would have to come before our full board and he suspects would be denied. If it is not in our jurisdiction he would encourage the BZA not to allow the sign to change that often as Mr. Ward is correct about the distraction caused by a digital sign. Mr. Mandell stated they would have no problem with a back lit monument sign.

Mr. Ward asked Mr. Mandell to look at page 36 of the BZA packet it shows the location of the sign, is the proposed location within your jurisdiction? Mr. Mandell replied yes, it is too close. They discussed that the sign is placed about 3 parking spaces west of the entrance off that Kellogg/John Ireland intersection and it would need to be about 7 parking spaces further west to be out of the Capitol Area jurisdiction.

Mr. Lang stated that in response to the future of the sign he does not think that they will use the sign for advertizing, they will only use the sign for messages related to the college and the students that we have. If the St. Paul Police Department wanted to use it that would be allowed, but other than that it will only be used for educational purposes.

Mr. Lang submitted a new site plan showing the correct scale of the sign and they moved it down so it is completely out of the Capital Area jurisdiction. Again we are still willing to move it around it necessary. As far as this being on every exit ramp, he does not think that every exit ramp is so unique to have no residential property around it. He contended that there are no residents within the area, there is no residential property facing the sign.

Mr. Hamilton discussed long range plans for the dirt path/cow path leading to the intersection of Marion and John Ireland, explaining that they have plans to improve the safety of the path that becomes a muddy slippery mess when it rains. The property is MnDot right of way so they have to work with MnDot on the project to improve if the College Board approves the plan.

Mr. Ward asked Mr. Lang and Mr. Hamilton if they were opposed to a static sign, the Board has granted two of the three variances allowing directional signage to be installed for ease of the staff, students and emergency staff. Would they be willing to work with the Community groups to compromise and come up with a solution that is best for everybody. Mr. Hamilton asked for clarification, a full color static sign that does not change. Mr. Ward replied it does not change it is a photograph, maybe you can change out the

photograph but it is the photograph for the week or the month. Mr. Hamilton stated that they would have to explore that. Mr. Ward asked if that would be acceptable to the College? Mr. Hamilton replied their preference would be a full color digital sign that moves every 30 seconds. Mr. Ward further questioned what if the sign is full color but it does not change expect for every 20 minutes?

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

Ms. Bogen stated that she is going to take the size/amount of signage variance separate from the full color digital variance.

Ms. Bogen moved to approve the variance and resolution based on findings 1 through 6, staff recommends approval of the variance for amount of signage requested.

Mr. Courtney seconded the motion, which passed on a roll call vote of 6-1(Morton).

Ms. Bogen stated that the College could still have a digital sign with the display change, but it will only be able to change every 20 minutes, that is what the ordinance says. Mr. Diatta stated that the size of the digital sign is included in the figures for the other signs, he asked for clarification. Ms. Bogen stated that they can have the sign the size they want it but it can only be monochromatic and it can only change every 20 minutes as stated in the staff report. Ms. Bogen stated she does not have a problem with them having a big sign there her problem is with it changing every 20 seconds.

Ms. Bogen moved to deny the variance and resolution staff further recommends that the request to allow a full color sign with digital display that would change its message every 30 seconds be denied based on findings 1 through 4, and 6.

Mr. Ward seconded the motion, which passed on a roll call vote of 4-3(Saylor, Courtney, Ward).

Submitted by:



YaYa Diatta

Approved by:


Gladys Morton, Secretary