

**MINUTES OF MEETING**  
**SOUTH ST. PAUL PLANNING COMMISSION**  
**January 3, 2024**

MEETING CALLED TO ORDER BY CHAIR FELTON AT 7:00 P.M.

Present: Tim Felton, Chair  
Jason Frankot  
Ruth Krueger  
Brianna Miller  
Chad Schlemmer  
Ryan Garcia, City Administrator  
Michael Healy, Planning Manager  
Monika Miller, Associate Planner

Absent: Geoff Fournier  
James Hart

- 1) APPROVAL OF AGENDA – Motion to approve as presented – Miller/Schlemmer (5-0)
- 2) APPROVAL OF MINUTES – December 6, 2023 – Commissioner Schlemmer commented that he should be removed from the list of individuals present at the December meeting- Motion to approve the minutes as amended – Krueger/Miller (5-0).
- 3) NEW BUSINESS
- 4) PUBLIC HEARINGS

A. Ordinance Amendment Allowing Dynamic Display Off-Premises Signs in the GB- General Business Zoning District

Mr. Healy presented the staff report. Currently, South St. Paul completely prohibits off-site advertising signs (billboards). Some communities have updated their sign codes to allow new digital billboard signs, which can be a good revenue source if the billboard is on City property and can be a source of free public service messaging. The City Council saw the value in this and instructed staff to move forward with an ordinance amendment to allow digital billboard signs in the GB, general business district with a Conditional Use Permit, subject to some carefully crafted performance standards. Under the ordinance, no new static billboards would be allowed to avoid “visual clutter.” Staff feel that the ordinance is consistent with the “best practices” if the Planning Commission and City Council want to legalize electronic billboards.

Chair Felton asked staff to confirm that the only properties that would be eligible for an electronic billboard would be properties that are adjacent to Interstate 494 that are zoned GB, general business district. Mr. Healy confirmed that was correct and that the property must be touching the highway.

Commissioner Miller asked if the business usually owned a billboard or if they leased them from a third party. Mr. Healy commented that the item that the Planning Commission was reviewing was specifically just an ordinance that would allow electronic billboards. Mr. Healy commented that it was common for a property

owner to enter into an agreement with a billboard company who would then place their billboard on that leased property.

Commissioner Frankot asked about the revenue that is typically generated from an electronic billboard and where the revenue goes. Mr. Healy explained that he had not reached out to other cities in advance of the presentation to determine the average revenue generated from an electronic billboard. If an electronic billboard is located on City land, the City would get to decide what to do with the revenue. Mr. Healy added that the city received a proposal for an electronic billboard which would result in about \$6 million in revenue over the course of 30 years with a \$125,000 lease payment during the first year and an annual rate increase.

Ryan Garcia, City Administrator, came forward to speak to the application. Mr. Garcia noted that the project had been vetted for the better part of a year and that the City does not take the opportunity lightly given the mixed feelings about the appropriateness of electronic messaging within the community. To Commissioner Frankot's point, this is an opportunity for the City to generate some revenue though this factor is not related to zoning. Mr. Garcia added that this was a unique opportunity for the City to be able to communicate its goals, values, and local events.

Chair Felton asked Mr. Garcia if the City had discussed allowing signage along Highway 52. Mr. Garcia explained that the City had explored that option. Billboards can only be placed in commercial or industrial areas. All of the land adjacent to Highway 52 is zoned residential or used as a park which would make this area ineligible for a billboard.

Chair Felton opened the public hearing.

No one was present to comment on the application and no correspondence had been received in advance of the meeting.

Chair Felton closed the public hearing.

Motion to recommend approval of an ordinance amendment allowing dynamic display off-premises signs in the GB, General Business Zoning District- Schlemmer/Miller (5-0)

#### B. Conditional Use Permit for Blue Ox Media Group's Proposed Dynamic Display Off-Premises Sign

Mr. Healy presented the staff report. The Applicant was Blue Ox Media Group. The Applicant is proposing to enter into an agreement with the City to place a billboard on a City-owned parcel located adjacent to Interstate 494. They are seeking a Conditional Use Permit to place the electronic billboard. The City Council instructed staff to release a request for proposal to see if any billboard companies were interested in a partnership with the City. The City received two proposals and selected the proposal from Blue Ox Media Group. The project can only move forward if the proposed ordinance amendment is approved. The proposed billboard would be 45 feet tall with two faces, one facing eastbound I-494, the other facing westbound I-494. The billboard would have EFIS cladding to simulate the look of limestone. The parcel is located at the bottom of a bluff. The sign will rise slightly above the bluff but the Applicant has stated they are willing to plant a row of coniferous trees to create additional screening between the sign and the neighboring residential properties. Staff recommend approval of the Conditional Use Permit if the City Council makes a policy decision to approve the proposed ordinance.

Chair Felton asked staff to clarify that the concern about the billboard extending above the bluff line was due to the visibility of the sign as opposed to the sign's lighting. Mr. Healy explained that the sign would be oriented at an angle to only be visible from I-494 but the adjacent homeowners would likely see the back side of the sign and possibly a little bit of the sign's imaging. Mr. Healy clarified that the sign would be 15 feet above the top of the bluff and commented that the proposal to plant additional landscaping at the top of the bluff was a gesture of goodwill by the Applicant to try to reduce any potential visual impacts of the sign. Chair Felton confirmed with

staff that the concern was the physical presence of the sign as opposed to the lighting on the sign. Mr. Healy confirmed that was correct.

Commissioner Frankot asked if there would be any properties that would have the billboard right in their backyard. Mr. Healy explained that the billboard would extend 15 feet above the top of the bluff. Commissioner Frankot asked if a homeowner were to walk into their backyard, would they see the top of the sign or would they need to look down to see the sign? Mr. Healy stated that he would defer to the Applicant to speak to the impact of the signs. Mr. Healy stated that there was an electronic billboard that was recently installed in Newport which is technically visible from Grandview Park and other residences but it is not highly visible. Commissioner Frankot commented that the Newport billboard was not in the backyard of any residential properties whereas the proposed billboard would effectively be in someone's backyard. Mr. Healy stated that it would be difficult to anticipate every angle of the sign but again stated that the actual message center of the sign would be directed at the highway and the sign would extend 15 feet above the top of the bluff.

Chair Felton asked Mr. Healy for the approximate distance from the proposed sign to the edge of the nearest residential backyard. Mr. Healy pulled up the survey the Applicant had provided and stated that the distance from the proposed sign to the back edge of the parcel where the sign would be located was about 20 feet. There is another 20 feet between the City's unbuilt alley and the rear property line of any of the neighboring houses. This was a total distance of 40 feet between the billboard and the nearest residential backyard.

Steve Boynton and Tom McCarver, Blue Ox Media, were present to speak to their application.

Chair Felton asked Mr. Boynton if he had any additional information to share as the Planning Commissioners make their decision on the application. Mr. Boynton shared that the way the sign was oriented, the top of the sign would be 15 feet above the bluff line so if you viewed the sign from the back of one of the nearby residential properties, you would only see the back of the sign. Mr. Boynton added that the sign manufacturer they use has proprietary technology that allows them to direct the light of the sign within a 30-degree angle, so the only visible light from the sign would be within that 30-degree angle. This will prevent any residential properties from being able to see the sign unless the house is located on the other side of I-494 and within that 30-degree angle.

Chair Felton opened the public hearing.

Kent Zoya, 1149 Syndicate Avenue, share that he had the same questions Commissioner Frankot had about what the sign would look like from the backyards of the neighboring properties, even those that are across the highway. Mr. Zoya asked if Blue Ox could provide a visual of what the signs would look like from the adjacent residential properties as well as from the residential properties on Park Street that are located across the Interstate. Chair Felton asked Mr. Healy if staff had any renderings of this type. Mr. Healy stated that the Applicant had provided renderings of the highway views and that he did not have access to the renderings that Mr. Zoya requested.

Chair Felton asked Mr. Boynton if this was something they could provide. Mr. Boynton stated they could provide the requested renderings and reiterated that the sign would be very difficult to see for anyone that is not within the 30-degree angle of the sign. Mr. McCarver added that there was a sound wall on the Park Street West side of I-494 which would limit the impact of the sign for the residents on that side of the highway. Mr. McCarver explained that many static billboards use lights that face the sign to illuminate it but this results in the light being sent back in all directions. These electronic billboards are designed to not have the light bounce back. Mr. McCarver stated that the light study in the packet showed this and reiterated that they could provide the renderings Mr. Zoya requested. Chair Felton asked the Applicants to confirm that those individuals that live along Park Street would not see the sign or light from the sign from their backyards but rather the soundwall. Mr. McCarver confirmed this was the case. Chair Felton directed the Applicant and Staff to work together to get the homeowner the renderings he requested.

Commissioner Frankot asked Mr. Zoya about the view of the site from his house. Mr. Zoya responded that he was on Syndicate Avenue which would not have a direct view of the proposed billboard. Mr. Zoya reiterated that it would be helpful to have renderings which would show what the sign would look like from the properties adjacent to the proposed billboard site.

Constance Lacombe, 1284 Smith Avenue in West St. Paul, shared that she owned the property at 104 Warburton Street West in South St. Paul where her daughter lived. Ms. Lacombe stated that she had a covered deck off of her garage which overlooked where the sign would be. Ms. Lacombe shared that she was concerned about the light the sign would produce and the sign emitting high frequency sounds which would negatively impact her daughter's pets. Ms. Lacombe shared that she felt 6-foot-tall trees would not be enough to screen the property from the proposed billboard but stated that she would prefer coniferous trees over a concrete wall for screening. Ms. Constance stated that she was not against the sign but was against the sign decreasing her property value.

Chair Felton asked Mr. Healy about the height of the proposed screening trees. Mr. Healy shared that the site plans show coniferous trees being planted at the top of the bluff but that the Applicant would not finalize the screening plans until the project was recommended for approval by the Planning Commission. Mr. Healy explained that the minimum required height for the screening trees was 6 feet and that the trees must be a variety that can grow to be at least 15 feet in height. Mr. Healy added that the Commissioners could refine the condition but reiterated that the Applicant intended to bring a finalized landscaping plan to the City Council meeting if they got the "ok" for the project.

Chair Felton added that it was important to make sure the line of trees provides adequate screening. Chair Felton called the Applicant back up to the podium to address Ms. Lacombe's concerns about the sign producing high pitched noise. Mr. Boynton stated that the signs do not emit any type of noise and shared that he would be happy to provide the specs from the manufacturer about the noise levels of the sign. Mr. Boynton added that the billboards were compliant with all state and federal dark sky laws. Mr. Healy added that one of the conditions of the project's approval is that the sign is prohibited from emitting any noise. If the sign were to malfunction and produce sound, the Applicant would be required to turn off the sign until it could be fixed. Chair Felton commented that Ms. Lacombe's concerns were about sound that was audible above human level. Mr. Healy stated the condition was written that if there was evidence that the sign was producing noise that was not audible to humans, they would need to address it.

Commissioner Frankot asked if they could add a certain monetary allowance to certain properties for additional trees or fences to screen the property from the proposed sign. Mr. Healy stated that a similar request was made for the Bryant's Ridge project. Mr. Healy explained that the City cannot require the Applicant to pay for things for private parties, but the Applicant can work out private deals with adjacent property owners to gain their support for the project outside of the meeting.

Commissioner Schlemmer asked who would maintain the trees that were planted for the project. Mr. Healy explained that the logistics would need to be worked out but generally required landscaping needs to be planted and maintained by the Applicant. The City also takes an escrow to ensure that the landscaping survives the first year.

Chair Felton asked staff if any correspondence had been received prior to the meeting. Mr. Healy stated that no correspondence had been received prior to the meeting.

Chair Felton closed the public hearing.

Commissioner Frankot commented that during the Holiday project on Southview Boulevard, the developer had agreed to install a privacy fence between their property and a neighboring residential property to keep the neighbor happy. Commissioner Frankot shared that he would make a motion to recommend approval of the item

and highly encouraged the Applicant for this project to work with the neighboring property owners to offer fencing or trees to create some additional screening.

Motion to recommend approval of a conditional use permit for a dynamic display off-premises sign-Frankot/Schlemmer (5-0).

C. Ordinance Amendment Updating the Zoning Standards for Permitted Encroachments, Accessory Structures, and Nonconforming Buildings.

Ms. Miller presented the staff report. The Planning Commission had reviewed a draft version of the ordinance at their December 6, 2023 meeting. The ordinance updates the regulations for permitted encroachments, accessory structures, and additions to residential properties with a setback nonconformity. Staff recommend approval of the ordinance.

Chair Felton opened the public hearing.

No correspondence had been received prior to the meeting and no one was present to speak on the application.

Chair Felton closed the public hearing.

Chair Felton asked about what happens at the first and second reading for an ordinance. Ms. Miller explained that the item would be reviewed by the City Council twice, which provides additional time for staff, the City Council or members of the public to comment on the ordinance so it is ready to be adopted. Chair Felton asked what happens at the conclusion of the second reading. Ms. Miller explained that the City Council would hold a vote on whether to adopt the ordinance.

Motion to recommend approval of an ordinance amendment updating the zoning standards for permitted encroachments, accessory structures, and nonconforming buildings- Miller/Krueger (5-0).

5) OTHER BUSINESS

6) STAFF UPDATES

Mr. Healy updated the Planning Commission on the Parks Master Plan. Mr. Healy explained that a first draft of the plan was being put together and would be brought to the City Council work session on Monday, February 12<sup>th</sup> for input. Anyone is welcome to attend the meeting. The meeting would be posted as a joint meeting for the Planning Commission, the City Council and the Parks and Recreation Advisory Committee.

Commissioner Miller asked if the work session meeting would be held in the training room. Mr. Healy affirmed that the meeting would be held in the training room.

Commissioner Krueger commented that Mr. Healy was addressing residents' zoning questions on Facebook. Mr. Healy shared that this was the second question and answer type session that the City had held on Facebook and that he enjoyed the opportunity to respond to the questions.

7) ADJOURNMENT

Motion to adjourn- Miller/Schlemmer (5-0).