

Meeting Minutes
New Prague Planning Commission
Wednesday, February 27, 2008

1. Call Meeting to Order

The meeting was called to order at 6:31 p.m. by Planning Commission Chairperson Grant Gengel with the following members present: Grant Gengel, Bob Gilman, Pat Remfert and Kay Wilcox. Absent was Jim Kratochvil.

City Staff Present: Renee Christianson – Planning Director, Ken Ondich – City Planner

2. Approval of January 23, 2008 Regular Meeting Minutes

It was moved by Remfert, seconded by Gilman to approve the January 23, 2008 regular meeting minutes as submitted. Motion carried (4-0, Kratochvil Absent).

**3. Request for Preliminary Plat Approval – Clearwater Addition
City of New Prague - applicant**

Planner Ondich presented the staff report. He stated that the City is proposing to construct a new wastewater treatment plant. He stated that before it can be built the land must be platted as stated in the zoning ordinance. He stated that the land included in the plat also includes the Sliding Hill Skate Park on the western portion. He stated that the property being platted is 91.83 acres with the lot being 86.19 acres after right of way is accounted for. He stated that the lot meets minimum area and width requirements. He stated that drainage and utility easements are not proposed along lot lines as is typical because the City does not need to give an easement to itself. He stated that drainage and utility easements are proposed around delineated wetlands and their associated 40' buffer areas only. He stated that the preliminary plat shows the yard waste site in an easement, but that the easement will be reduced to only cover the wetland and buffer area. He stated that the property is served by 12th Street NE (County Road 15) for access to the treatment plant site and Columbus Ave. N. for access to the Sliding Hill Skate Park. He stated that there is an 8' bituminous trail along Columbus Ave. N. into the park area and also an 8' bituminous trail on the south side of 12th Street NE. He stated that the property is outside the 500 year flood plain. He stated that a wetland delineation was completed by Bonestroo in 2005 on the park site and that Bolton & Menk will complete a wetland delineation for the rest of the site in spring and that the final plat approval is conditioned on the delineation being completed. He stated that 23 acres of the 91.83 acre site is used for the Sliding Hill Skate Park which more than meets the 10% park land dedication requirement. He stated that the park area is shown as a deed restriction because of the two DNR grants for the park development and that a variance would need to be noted for the park dedication because it technically was not being platted as park land on the plat. He stated that Craig Jensen from the Scott County Highway Department stated that the right of way being platted was appropriate as shown. He stated that staff recommends approval of the preliminary plat with the findings, conditions, and variance listed in the staff report.

The public hearing was opened at 6:40 P.M.

With no public comments received the public hearing was closed at 6:41 P.M.

It was moved by Wilcox, seconded by Gilman to recommend approval of the preliminary plat of Clearwater Addition, consisting of 1 lot on approximately 91.83 acres in the RL-90 Single Family Residential Zoning District with the following findings:

1. The preliminary plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.
2. The plat conforms to the requirements of the RL-90 Single Family Zoning District in which it is located.

And with the following conditions:

1. Approval is granted in accordance with the preliminary plat drawing (dated 2/11/08) on file with the New Prague Planning Department.
2. Approval is subject to all recommendations of the Public Works Director and Scott County Highway Department.
3. Drainage and Utility Easements must be shown on the final plat to cover delineated wetlands and their associated 40' wetland buffer areas.
4. The drainage and utility easement in the NW corner of the site (Yard Waste Site Area) must be reduced to only cover the delineated wetland and associated 40' wetland buffer area and not the entire Yard Waste Site as currently shown on the Preliminary Plat drawing.
5. The final plat must be recorded within 90 days of the date of the City Council granting approval.
6. A wetland delineation report must be completed prior to approval and recording of the final plat.
7. A title opinion must be completed prior to final plat approval.

And noting the following variance:

1. Park land dedication is not being required because the site is already platted and the property is being re-platted simply to combine existing lots.

Motion carried: Ayes 4 Nays 0

4. Request for Conditional Use Permit #C1-2008 – Wastewater Treatment Plant City of New Prague, applicant

Planner Ondich presented the staff report. He stated that the existing wastewater treatment plant was constructed in the 1960's including the ponds and that in 1988 there was a major expansion. He stated that in 2003 an upgrade was made for flows from the Cedar Lake Sanitary Sewer District. He stated that the new treatment plant is needed to provide capacity to 16,347 people in the year 2030 and will be enclosed completely within a brick building. He stated that the existing WWTP will be removed except for two nitrifier buildings and a garage. He stated that the west most biosolids lagoon will be filled in. He stated that the City's salt shed will move to

the east side of the site and that the City maintenance garage will be expanded from 8,000 sq. ft. to 16,000 sq. ft. He stated that the property is zoned RL-90 Single Family Residential and that public utilities such as water and wastewater treatment facilities are specifically listed as conditional uses in the district. He stated that staff recommends all public utilities including water and wastewater treatment facilities, street department facilities, electric facilities and all other related municipal utility buildings be listed as permitted on the conditional use permit. He stated that the new plant will meet all setback requirements. He stated that the new plant will meet all setback requirements and that the site plan may have to be adjusted slightly based on the wetland delineation that is not yet complete. He stated that access to the site is from 12th Street NE (County Road 15) and that there are dedicated turn lanes. He stated that overall traffic for the new facility will remain the same or decrease slightly due to the reduction in the biosolids that would leave the new facility. He stated that 4 employees would be daily traffic with a weekly chemical delivery and twice annual biosolids removal. He stated that there is no minimum parking requirement for a treatment plant and that the building has 73,755 sq. ft. of floor area with an allotted 2,784 for office space. He stated that the 8 proposed parking spaces is adequate for the 4 employees and the few visitors that would come to the site. He stated that the parking area will be curbed and striped. He stated that the expanded maintenance garage will be 16,000 sq. ft and will require 16 parking spaces in a curbed and striped lot. He stated that the various loading doors on the building meet the ordinance requirements. He stated that landscaping will be coordinated with City Staff and that screening is not needed to the adjacent residential areas because the building is at least 350' from all property lines. He stated that staff suggests using native plant species on the site. He stated that 25% of the parking areas must be shaded at full tree maturity along with 3% landscaping. He stated that a 6' tall galvanized chain link fence is proposed around the site with no barbed wire. He stated that the RL-90 district does not have any design guidelines but that staff used the B-2 design guidelines for the review. He stated that the predominant materials are of high quality including "jumbo" brick in three colors along with prefinished metal flashing and aluminum window frames. He stated that the facility is built into the side of the hill with varied roof lines and windows. He stated that one 32 sq. ft. freestanding sign is permitted along with 12 sq. ft. of building signage. He stated that 14 sq. ft. of building signage is proposed so that a variance may need to be noted. He stated that no lighting plans have been submitted at this time. He stated that staff recommends approval of the conditional use permit with the findings and conditions listed in the staff report.

The public hearing was opened at 7:00 P.M.

James Day, 708 11th Street NE, asked which way the door on the City's salt shed would be facing once it is moved to the east side of the site. He stated that the orientation of the door on the salt shed will make a big difference in the noise they can hear at their home. He suggested that the door face to the north so that vehicles backing out would not face the residential area. He stated that he did not want the opening to face south. He asked how much lower on the site the salt shed would be after it is moved.

Planner Ondich stated that it would be about 13 feet lower than its current location.

Mr. Day asked about the wetland mitigation plan for the possible wetland near the new treatment facility.

Planner Ondich stated that the wetland delineation would be completed in the spring which would verify the whether the area was wetland or not. He noted that Bolton & Menk who is completing the delineation suggested that it was possible to fill the area in and buy into a wetland bank or to adjust the plans for the site slightly.

The public hearing was closed at 7:03 P.M.

Commissioner Gengel asked how the new treatment plant was able to be contained within a single building.

Jon Peterson, Associate Engineer with Bolton & Menk, stated that European technology is being used for the new treatment process. He stated that it is similar to the facilities in Northfield, Saint Peter and for the Shakopee Mdewakanton Sioux Community. He stated that the technology allows the process to be condensed down into the building. He stated that there is a drying process for the biosolids which removes most of the water which cuts down on the bulk. He stated that the end product could be used for fertilizer. He stated that the output of the plant currently is about 600,000 to 700,000 gallons per day. He stated that there are emissions stacks which reuse the emissions from the facility which are burned in the furnace. He stated that there are also odor scrubbers in the stacks.

Commissioner Gengel stated that he felt condition #3 allowing basically any city facility was huge loophole that he would like closed and to make sure that only the facilities on the site plan would be approved at this time.

Commissioner Remfert stated that he did not feel that the 2 sq. ft. variance for the building signage should be approved.

Commissioner Wilcox agreed that the variance was not warranted.

It was moved by Remfert, seconded by Gilman to recommend approval of Conditional Use Permit #C1-2008 to allow a municipal wastewater treatment plan and expansion of a municipal maintenance building in the RL-90 Single Family Residential Zoning District with the following findings:

1. The proposed municipal wastewater treatment plant will not create an excessive burden on existing parks, schools, streets, and other public facilities which serve or are proposed to serve the area because the new municipal wastewater treatment plant will provide a needed public utility service for wastewater treatment which is nearing capacity with the existing facility and will allow the city to continue to develop to the year 2030 to meet a population demand of 16,347.
2. The proposed municipal wastewater treatment plant will be sufficiently separated from the adjacent residentially zoned land by distance in that it will be located further from the existing homes on the south side of 12th Street NE as well as the fact that it will be built into the side of a hill to further reduce its visual impact on the surrounding future residential area to the north.
3. The proposed municipal wastewater treatment plant will not have an appearance that will have an adverse effect upon the adjacent residential properties as the facility will now be fully enclosed within a brick building versus the existing facility, which is not fully

enclosed, which will help cut down on odor issues. The building will be built from quality materials including jumbo brick of varied color.

4. The proposed municipal wastewater treatment plant for the site is specifically listed as an allowed conditional use in the RL-90 Single Family Residential Zoning District in which the property is located.
5. The proposed municipal wastewater treatment plant is in compliance with the comprehensive plan of the City because it is located in an RL-90 Single Family Residential District which lists such uses as a conditional use.
6. The proposed municipal wastewater treatment plant will not cause traffic hazard or congestion and there are dedicated turn lanes to access the site from 12th Street NE and traffic to the site is not expected to be much greater than it currently is for the existing wastewater treatment plant facility except for a few additional employees.
7. A B-Minor Arterial access road of 12th Street NE (also known as County Road 15) with dedicated turn lanes into the site, adequate facilities, drainage and necessary facilities are provided to the site.

And with the following conditions:

1. The conditional use permit is issued for a period of one year, and shall become null and void without further action from the Planning Commission unless used within one year of the date granting the permit.
2. The Conditional Use Permit is issued in accordance with the site plan (site piping plan) dated 1/10/08 and Wastewater Treatment Facility Building Elevations stated 12/18/07, all on file with the New Prague Planning Department.
3. The following uses will be listed as permitted on the Conditional Use Permit: All permitted and permitted accessory uses in the RL-90 Single Family Zoning District as well as the following uses: Public Utilities which includes water and wastewater treatment facilities, street department facilities and electric facilities.
4. The required parking stalls shall be striped with white or yellow paint lines not less than 4" wide providing for parking spaces at a size of 9' x 20' on a concrete or bituminous paved surface with a perimeter curb, as required by Section 717 of the New Prague Zoning Ordinance.
5. 16 parking spaces shall be provided in a striped and curbed parking area adjacent to the maintenance building which is to be expanded to 16,000 sq. ft. total.
6. All signs must conform to Section 718 of the Zoning Ordinance.
7. All lighting must conform to Section 704 of the Zoning Ordinance.
8. The site plan may need to be amended pending the outcome of the wetland delineation for the site which has identified a possible wetland located to the east of the proposed wastewater treatment plant facility which could interfere with the parking and/or drive aisle configuration if not filled.
9. The driveway connection to 12th Street NE must be 30' in width as measured from curb face to curb face at the property line.
10. To meet the ordinance requirement of Section 717.7, 25% of the parking lot must be shaded at full tree maturity.
11. The relocation of the salt storage shed on the east side of the property shall be situated to prevent the loading door from facing south to cut down on noise issues with the adjacent residential property.

Motion carried: Ayes 4 Nays 0

5. Public Hearing for Zoning Ordinance Amendments-

A. Outdoor Seating Areas for Food Service and Drinking Establishments

Planner Ondich presented the staff report. He stated that the City Council reviewed the Freedom to Breathe Act of 2007 back in August of 2007 and decided not to pursue further restrictions on smoking outside of businesses. He stated that the related issue at hand is that bar owners have contacted the City about outdoor patio/seating areas for smoking and possible drinking and food service areas. He stated that alcohol consumption is allowed in compact and contiguous outdoor areas if it is specified that way on the liquor license. He stated that current liquor license holders and restaurants were invited to provide comment. He stated that sixteen cities responded with their regulations for outdoor patio/seating areas. He read the state statute that defines an indoor area versus an outdoor area. He stated that the Police Chief stated that his main concerns were about noise and smoke and that the City Attorney provided comment about trash pick up, not to allow bars on patios and to limit service to those seating outside at tables so that those standing around could not be served. He read through the proposed ordinance language including a definition for "outdoor seating", performance standards for all patio areas for eating and drinking establishments and also specific performance standards for patio areas associated with liquor licenses.

The public hearing was opened at 7:32 P.M.

Charles Hartman, 2496 W. 265th Street and Owner of Classic Grille and Bar, asked about the required exits from the patio area. He also asked if their existing patio areas will require a CUP.

Planner Ondich stated that the emergency exits will be reviewed by the Building Official to ensure compliance and also that she would like to speak with Mr. Hartman in the office about any specific issues for their patio areas.

Steve Duban, owner of Flipside Pub and Grill, stated that he had questions about the patio areas needing to be compact and contiguous to the building. He stated that at his property he has an area of A/C units and other such equipment he would like to have a patio away from and wondered if a pathway could be provided to the area. as long as it's attached to the building.

Planner Christianson stated that the compact and contiguous wording was pulled from the state statute for liquor licensing. She stated that staff would check to see if there is a definition in the statute for what exactly compact and continuous would mean. She stated that it would probably be left up to Council discretion.

Eric Fierst, 206 4th Ave. NW from the Fishtale Grill, stated that they currently have an outdoor area but that he was unsure if it met the state statute of an indoor or outdoor area. He stated that they currently have music from speakers at a reasonable level on the outdoor patio area. He stated that they like to have the music in the background because there is nothing worse than eating in silence. He asked if the provision could be written to allow outdoor music at a reasonable volume.

Commissioner Wilcox stated that she would hate to see the music taken away from them if they have already been doing it without complaints for years. She suggested that condition #9 be removed from the performance standards that would prohibit exterior sound producing equipment.

Commissioner Gilman agreed that exterior sound producing equipment could work and that if it got too loud the City's noise ordinance would cover the problems.

Commissioner Remfert stated that he would like the provision removed as well.

David Bastyr, 217 8th Street SE, stated that he thought that constant monitoring of the outdoor patio areas would be very difficult, especially during the day if there are limited staff working.

Commissioner Gengel clarified that if there were an entrance to the patio area from the outside the way the provisions are drafted there would have to be a wait staff person there to seat the individuals.

The public hearing was closed at 8:02 P.M.

Commissioner Gengel noted that he would like provision #12 to state that the trash must be picked up daily instead of just saying regularly.

Pat Glasby, owner of the Fishtale Grill, stated that they have had their patio area for many years and asked if they would be grandfathered in despite the new ordinance. He stated that they have a door leading directly to their patio area and wondered if it would need to be locked so that it would be an exit only.

The Planning Commission discussed the entrance/exit area to the patio area.

Commissioner Gengel asked if there should be limited hours of operation.

The Planning Commission stated that they did not want to dictate hours of operation on the patio areas.

The Planning Commission also discussed a fence height for the patio areas with alcohol and determined that 4' height would be adequate.

A motion was made by Gilman, seconded by Remfert to recommend approval of the ordinance amendment for outdoor seating areas for food service and drinking establishments to the City Council, which passed unanimously (4-0) as written below:

Ordinance Amendments – Added and ~~deleted~~.

The following definition should be added to Section 302 of the Zoning Ordinance:

Outdoor Seating - A commercial seating area for business patrons which is not located in an "Indoor Area" as defined by Minnesota Statute 144.413 Subdivision 1a.

The following language should be added as a new Section 733 to the Zoning Ordinance:

733 OUTDOOR SEATING FOR FOOD SERVICE BUSINESSES AND DRINKING ESTABLISHMENTS

(A) Food service businesses and drinking establishments, including but not limited to, bakeries, delicatessens, coffee and/or tea shops, and restaurants, may provide outdoor seating for their patrons with an approved Conditional Use Permit provided that the following requirements are met:

(B) For all establishments:

- 1. The seating shall be located on private property and outside of any recorded easement areas and demonstrated on a site plan.**
- 2. The seating shall consist of good quality patio or café type furniture that enhances the appearance of the business.**
- 3. No beverages or food shall be served to persons outside of the designated outdoor seating area.**
- 4. The seating area, if not slab on grade, shall be subject to applicable setback requirements.**
- 5. The seating area shall have a permanent surface of concrete, asphalt, wood or other fabricated construction material.**
- 6. The seating shall be located so as not to compromise safety. Seating shall not obstruct the entrance or any required exits or be located on landscaping or parking areas. If located on private sidewalks or walkways, it shall be located so as to leave a minimum of a four foot (4') wide passageway for pedestrians. Applicable building and fire codes for ingress and egress shall be met.**
- 7. No additional parking is required for thirty (30) outdoor seats or less. Any additional seating over thirty (30) seats shall provide required parking based on one (1) space per three (3) seats.**
- 8. The outdoor seating area shall be subordinate to the principal use and shall not exceed 40% of the square footage of the principal use building space.**
- 9. Noises on the outdoor seating area shall be subject to City Code Section 92.18(G).**
- 10. Lighting shall be permitted to the extent that it only illuminates the designed area. Lighting must otherwise meet the standards listed in Section 704 of the Zoning Ordinance for Glare.**

11. The business owner or designated person shall inspect the premises on a daily basis including all adjacent streets, sidewalks, alleys, parking areas and sidewalks within one-hundred (100) feet and remove all litter. Appropriate receptacles for rubbish, garbage, cigarette paraphernalia, etc. must be provided in close proximity to the outdoor seating area.
12. Additional conditions may be imposed by the City and listed on the approved conditional use permit including but not limited to hours of outdoor seating area use and additional screening or buffering to residential zoned or used areas.

(C) For establishments with Liquor Licenses the following regulations apply in addition to those (#1 to #12) listed above:

1. The seating shall be located in a compact and contiguous location to the principal structure. No alcoholic beverages shall be served or consumed in an outdoor seating area unless the liquor license approved by the City specifies the compact and contiguous location.
 2. The outdoor seating area shall be defined with the use of landscaping and permanent attractive fencing which is a minimum of 4' in height with at least 50% opacity that contains the tables and chairs for the use as demonstrated on a site plan. It shall also prohibit the free passage of any person or substance from the area.
 3. No alcoholic beverages shall be served to persons outside of the designated outdoor seating area or those not seated at tables. Signage shall be posted that restricts consumption of alcohol outside of the designated outdoor seating area as approved by the Conditional Use Permit.
 4. Bars are prohibited in outdoor seating areas (with the exception of a service bar for the exclusive use of the establishment's employees).
 5. Patrons shall only access the outdoor seating area through the interior of the main building and seated by wait staff if at full service restaurants. No other ingress or egress shall be allowed other than required emergency exits.
- The following should be added to the Zoning Ordinance Section 608 for the B-1 Central Business District as noted for Section 4, **conditional uses**:

M. Outdoor Seating for Food Service Businesses and Drinking Establishments

- The following should be added to the Zoning Ordinance Section 609 for the B-2 Community Commercial District as noted for Section 4, **conditional uses**:

HH. Outdoor Seating for Food Service Businesses and Drinking Establishments

- The following should be added to the Zoning Ordinance Section 610 for the B-3 Highway Commercial District as noted for Section 4, **conditional uses**:

GG. Outdoor Seating for Food Service Businesses and Drinking Establishments

B. Commercial Freestanding/Monument Signage and Sign Illumination to Residential Zones

Planner Ondich presented the staff report. He stated that recent large scale commercial developments have been coming to the City and the currently allowed 100 sq. ft. limit for freestanding signage does not work well for large sites. He stated that another issue involves the lighting of freestanding/monument signage near residentially zoned land. He stated that the first public hearing for the issue was on October 24, 2007 and that a workshop was held on January 14, 2008. He stated that the City obtained sign regulations from 18 cities in drafting the language initially reviewed for the signage. He read through the proposed ordinance amendments including a new definition for “site”, amending the “off-premise sign” definition, changing freestanding/monument sign regulations for commercial districts and finally limiting internally illuminated signs from being less than 100’ from residential district boundaries.

The public hearing was opened at 8:50 P.M.

Bill Abel, Urban Associates, Inc. – owner of New Prague Commons, stated that he had been assured that the letter he had written earlier had been included in the packets for review. He reviewed some existing lot widths along the TH 19 east corridor and noted that with a limit of signage spacing within his site at 250’ apart he would not get as much signage as the sites not located within New Prague Commons. He stated that he struggles with the 250’ spacing requirement. He asked where the 250’ distance came from and noted that he did not find another City with such a provision. He asked if it was for aesthetics. He stated that he has a master signage plan for all the signs on the site to match.

Commissioner Gengel stated that the Planning Commission felt that the buildings which are closest to the road would be used as the signage with signs directly on the buildings.

Mr. Abel stated that the non-building signs are very important to the businesses. He stated that they must be important otherwise business wouldn’t spend so much money putting them up in front of their businesses.

Commissioner Wilcox stated that the 250’ spacing limit was a visual and aesthetics related concern. She stated that the Planning Commission reviewed examples of developments in other communities where the businesses have located there and survived without individual signage out front.

Mr. Abel stated that the non-building signs provide a perpendicular surface to advertise the business name which is easier to read when cars are driving by.

Commissioner Gengel stated that he supported the 250' spacing requirement and all other provisions of the drafted language. He asked the other Planning Commissioners their thoughts.

Commissioner Wilcox stated that she supports the size and spacing limits.

Commissioner Gilman stated that he supports the size and spacing limits.

Commissioner Remfert stated that the Planning Commission has had a lot of discussion about the spacing and size limits including a public hearing and workshop, he stated that the Planning Commission always has come back to the regulations that have been proposed. He stated that he supports the ordinance language as proposed.

Mr. Abel asked what the Planning Commissions thoughts were on when their project would be allowed to utilize the 250 sq. ft. signage category. He asked specifically if they could install the signage based on what could fit on the site or what was there currently.

The Planning Commission determined that they were not willing to bet on the future buildings that were in place yet and said that he would have to fit within the current category based on the buildings currently on the site.

The public hearing was closed at 9:25 P.M.

A motion was made by Gilman, seconded by Remfert to recommend approval of the ordinance amendment for commercial freestanding/monument signage and sign illumination to residential zones to the City Council, which passed unanimously (4-0) as written below:

Proposed Sign Ordinance Changes

- A new definition will be added to the zoning ordinance Section 302:

Site – A lot, or group of adjacent lots intended, designated or approved to function as an integrated unit, that is proposed for development in accordance with the provisions of this zoning ordinance and is in a single ownership or has multiple owners, all of whom execute a joint application for development. The joint application for development includes but is not limited to Conditional Use Permit Applications and Planned Unit Development Applications.

- The definition for “sign, off-premise” should also be amended to the following:

Sign, Off-premise – a commercial speech sign which directs the attention of the public to a business not on the same premises **lot or site** where such business a sign is located.

- Proposed changes to the Business District Signage regulations in Section 718(3):

3. Signs Permitted in Business Districts.

- ~~A. One (1) freestanding or monument sign per lot for single street frontage lots. In cases where lots have more than one street frontage, such lot shall be allowed up to two (2) freestanding or monument signs which must each be~~

~~placed on different frontages. The total square footage of all freestanding or monument signs on a lot shall not exceed the sum of one (1) square foot for each front foot of lot, or one hundred (100) square feet, per surface, whichever is smaller. Freestanding or monument signs shall be setback ten (10) feet from any property line. Maximum height is 30 feet from average grade in the B-3 Highway Commercial District and 20 feet from average grade in the B-1 Central Business District and the B-2 Community Commercial District.~~

A. For an individual lot or site as defined by this ordinance with all buildings totaling a gross floor area of greater than one hundred thousand (100,000) square feet, the following signage is permitted:

1. Freestanding or monument signs. The maximum freestanding/monument sign surface area shall be two hundred and fifty (250) square feet per public street frontage of the lot or site. This maximum surface area applies to one sign surface of no more than two sides per sign structure. The allotted maximum surface area per public street frontage for the lot or site may be distributed to multiple freestanding/monument signs. In no case shall any one sign be larger than 250 square feet per side.
2. All signs within a lot or site shall be spaced no closer than 250 feet apart as measured along the public street frontage(s).
3. When placing signs on the corner of a lot at the intersection of two public streets, the applicant shall designate which public street frontage for the lot or site that the total sign square footage should be attributed to and in no case shall the sign area be allowed to be divided between the frontages.

B. For an individual lot or site as defined by this ordinance with all buildings totaling a gross floor area of greater than fifty thousand (50,000) square feet upto one hundred thousand (100,000) square feet, the following signage is permitted:

1. Freestanding or monument signs. The maximum freestanding/monument sign surface area shall be two hundred (200) square feet per public street frontage of the lot or site. This maximum surface area applies to one sign surface of no more than two sides per sign structure. The allotted maximum surface area per public street frontage for the lot or site may be distributed to multiple freestanding/monument signs. In no case shall any one sign be larger than 200 square feet per side.
2. All signs within a lot or site shall be spaced no closer than 250 feet apart as measured along the public street frontage(s).
3. When placing signs on the corner of a lot at the intersection of two public streets, the applicant shall designate which public street frontage for the

lot or site that the total sign square footage should be attributed to and in no case shall the sign area be allowed to be divided between the frontages.

C. For an individual lot or site as defined by this ordinance with all buildings totaling a gross floor area of less than fifty thousand (50,000) square feet, the following signage is permitted:

1. Freestanding or monument signs. The maximum freestanding/monument sign surface area shall be one hundred (100) square feet per public street frontage of the lot or site. This maximum surface area applies to one sign surface of no more than two sides per sign structure. The allotted maximum surface area per public street frontage for the lot or site may be distributed to multiple freestanding/monument signs. In no case shall any one sign be larger than 100 square feet per side.
2. All signs within a lot or site shall be spaced no closer than 250 feet apart as measured along the public street frontage(s).
3. When placing signs on the corner of a lot at the intersection of two public streets, the applicant shall designate which public street frontage for the lot or site that the total sign square footage should be attributed to and in no case shall the sign area be allowed to be divided between the frontages.

D. In all cases, a freestanding or monument sign shall not exceed a height of twenty (20) feet from the average grade for signs located in the B-1 Central Business District and the B-2 Community Commercial District. The maximum freestanding or monument sign height in the B-3 Highway Commercial District shall be no more than thirty (30) feet from the average grade.

E. In all cases, the minimum setback for all freestanding or monument signs shall be at least ten (10) feet from any property line. In cases where an easement encumbers area along the property line, the sign must be set outside of the easement area, even if the easement area exceeds ten feet from the property line.

~~B.~~ F. No building sign shall extend in height more than six (6) feet above the highest outside wall or parapet of any principal building. Building signs can only be placed on the principal building. Sign area is limited to fifteen (15) percent of the building face in the B-1 Central Business District, the B-2 Community Commercial District and B-3 Highway Commercial District.

~~C.~~ G. Projecting signs shall not exceed the sum of sixteen (16) square feet per surface, and must be located at a height of eight (8) feet above the top of curb elevation of the street. Such signs can project to five (5) feet from the building face, provided that they do not infringe on the public right-of-way.

- ~~D.~~ H. Electronic Variable Message Signs and Readerboard Signs are permitted as part of the allowed signage only in the B-2 Community Commercial and B-3 Highway Commercial Zoning Districts.
- ~~E.~~ I. Signs may be illuminated and must meet the glare standards listed in the zoning ordinance. Exception: Internally illuminated freestanding/monument signs, including electronic variable message signs, located in the B-2 Community Commercial Zoning District and B-3 Highway Commercial Zoning District shall be a minimum distance of one hundred (100) feet from the leading edge of said sign to an adjoining residential district boundary. This provision shall not apply to externally illuminated signs which otherwise comply with the glare standards listed in the zoning ordinance.
- J. In the B-2 Community Commercial Zoning District, only monument type signs are permitted and freestanding signs as defined by this ordinance are not permitted in the B-2 District.
- K. If property was originally included in an application for development as part of a larger development which met the definition of "site" pursuant to the City Code, any signage permitted for that property, at the time of development of the site, or in the future, will be counted towards the total amount of signage allowed for the entire site, regardless of whether the property is further subdivided or there has been a change in ownership.

6. Miscellaneous

A. Concept Review of KC Hall Addition Variance

Planner Ondich stated that the KC Hall submitted a concept review request for a possible front vestibule addition onto the existing building at 411 4th Ave. SW. He stated that the addition would be to move the front door to face south instead of facing west to keep it out of the elements. He stated that the existing building does not meet the minimum required 40' front setback for the B-3 Highway Commercial Zoning District. He stated that the front vestibule would place the building further out of compliance with the front setback requirement. He stated that staff had reviewed the criteria for granting a variance and could not find for any of the reasons to grant the variance. Pictures of the site were reviewed for the Planning Commission.

Joe Pexa and Larry Entinger were present on behalf of the KC Hall. They stated that they are looking at updating the outside of the building with new siding materials for an updated look. They stated that they would use some sort of insulated panel like was used on Ace Hardware on the front of the KC Hall. They stated that the addition of the front vestibule made sense to complete at the same time. They stated that the large electrical box in front of the building was a bigger issue than their front vestibule addition in terms of lining up buildings along the highway.

Commissioner Remfert stated that he thought the vestibule would make the building more attractive.

Commissioner Wilcox stated that she would agree with the variance if they would trade it for some additional green space.

Commissioner Gilman stated that he could support the variance.

Commissioner Gengel stated that he did not support the variance and that the B-3 District is a mess because of a lack of consistency.


The Planning Commission was 3 for and 1 against of the variance request.

Staff noted that the property would have to have a survey done and be platted before hearing the variance request.

7. Adjournment

The meeting was adjourned at 9:50 PM by order of Chair Gengel.

Respectfully submitted,

A handwritten signature in black ink that reads "Kenneth D. Ondich". The signature is written in a cursive style with a large, stylized "K" and "O".

Kenneth D. Ondich
City Planner