

AGENDA
CITY OF CROSBY PLANNING AND ZONING COMMISSION

City Hall Council Chambers
March 18, 2024, at 6:00 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to Agenda
4. Open Forum
5. Approval of Minutes
 - A. February 20, 2023, Regular Meeting
6. New Business
7. Public Hearing(s)
8. Old Business
 - A. Digital Display Signage Discussion
9. Staff Report/Upcoming Applications
10. Commissioner's Questions/Comments
11. Adjourn

This agenda is not exclusive and other business may be discussed as deemed necessary

For those requiring special assistance, please contact Crosby City Hall at (218) 546-5021

Pursuant to due call and notice thereof, the Regular Meeting of the Planning and Zoning Commission was held on Tuesday, February 20, 2024, at 6:00 P.M.

Members Present: Commissioners Jim Petersen, Shellie Wynn, Troy Patrick, John Zender and Scott Berg; Brittany Cotner, Sourcewell; Matthew Hill, Administrator Clerk Treasurer; Samantha Wodarz, Utility Billing Clerk

Members Absent: Commissioner Smith

1. Call Regular Meeting to Order

Commissioner Patrick called the meeting to order at 6:00 P.M.

2. Pledge of Allegiance

Commissioner Patrick led with the Pledge of Allegiance.

3. Appoint Chair and Vice Chair

MOTION BY COMMISSIONER WYNN AND SECONDED BY COMMISSIONER PETERSEN TO APPOINT TROY PATRICK AS CHAIRPERSON. VOICE VOTE: THOSE VOTING AYE: PETERSEN, WYNN, BERG, ZENDER, AND PATRICK.

MOTION BY COMMISSIONER PETERSEN AND SECONDED BY COMMISSIONER ZENDER TO APPOINT TROY PATRICK AS CHAIRPERSON. VOICE VOTE: THOSE VOTING AYE: PETERSEN, WYNN, BERG, ZENDER, AND PATRICK.

4. Additions or Deletions to the Agenda

Brittany Cottner would like to add 7B digital display discussion and 7C mixed used districted discussion.

5. Open Forum

None

6. Approval of Minutes

A. October 16, 2023, Regular Meeting

MOTION BY COMMISSIONER PETERSEN AND SECONDED BY COMMISSIONER WYNN TO APPROVE THE MINUTES. VOICE VOTE: THOSE VOTING AYE: PETERSEN, WYNN, BERG, ZENDER, AND PATRICK. THOSE VOTING NAY: NONE. MOTION CARRIED. THOSE VOTING NAY: NONE. MOTION CARRIED.

7. New Business

A. 2024 Planning Commission Regular Meeting Dates

Cottner stated that all the meeting dates will be held on the 3rd Monday of every month. She asked the commissioner if they could move the April 15th meeting to April 17th, as she is at a conference. If they prefer not to change the date, she can attend via Zoom. The commissioners agreed it would be best to keep the April 15th date and have Cottner plan on zooming in.

MOTION BY COMMISSIONER WYNN AND SECONDED BY COMMISSIONER PETERSEN TO APPROVE REGULAR MEETING DATES WITHOUT MOVING THE APRIL 15TH DATE. VOICE VOTE: THOSE VOTING AYE: PETERSEN, WYNN, BERG, ZENDER, AND PATRICK. THOSE VOTING NAY: NONE. MOTION CARRIED. THOSE VOTING NAY: NONE. MOTION CARRIED.

B. Digital Display Discussion:

Cottner stated she had a business owner reach out to her about placing a digital sign at his downtown business. We currently don't have a section within the code for regulation. Two years ago, it was brought up to put in the code to allow or not to allow and if allowed, creating regulations. She was not sure what happened because it fell off the radar. Cottner is asking the commission whether to bring this topic back.

Wynn would like to see some regulation on this, residents and non-residents do not need lights coming through their windows all night living above business or across from them.

Zender asked whether the lights can be regulated, such as to be shut off by a certain time. Administrator Hill stated that the city cannot retroactively tell the places that have to, as they already have their permit and sign up. The current ones will be grandfathered in, if there were decision of limiting the time they could be on.

Cottner stated that there are current rules that state that no signs can flash, strobe, or blink; might want to look at regulations on the brightness, bulb style, and color changes. Brittany will bring in some sample languages and they can go from there.

Patrick asked if there are existing regulations on non-light up signs, and advertisement; advertise for their own business and not another one. He would like to keep that language mind signs, so we don't have

light up signs that are not even for that business. Cottner will come back to the next meeting with a variety of sample languages.

- C. Brittany stated that Mr. Steele has brought up several times the idea of making the residential area from main street to the lake a mixed-used district. Cottner stated that she gets where he is coming from and that it makes sense from a planning and zoning textbook, but in the city of Crosby the residential property is at a minimum and is very needed and if that were something that they would want to pursue; we can 100% do this. A mixed-use zone for example if the home across wanted to open a candy store there, they could do it.

Wynn stated that the city of Wiona did this and people are turning their homes and parts of their homes into business. This created parking issues, nuisance issues, trash issues, and public issues. She is not in favor of it for those reasons and that housing is so hard to come by currently, in the city of Crosby.

Patrick stated that main street has the means of opening additional businesses, we have a shortage of residential space, anything that could possibly turn a house into a business is something that we would want to avoid. He is against it on that alone, until we have a glut of residential places and a shortage of retail spaces, he wouldn't see it as a good idea going forward.

8. Public Hearing

MOTION BY COMMISSIONER PETERSEN AND SECONDED BY COMMISSIONER WYNN TO OPEN THE PUBLIC HEARING. A ROLL CALL VOTE: ALL VOTED AYE. MOTION CARRIED.

- A. Variance Permit Application 24-1 to consider allowing a deviation from the lot width requirements. The subject property is located at 11 2nd St SW (PID 11120742 and 11120743). Owner: Mark and Heather Layton Applicant: Mark Layton

The property meets the requirements of 5000 square feet but not the width requirements. Mr. Layton would like to build a house there, and looking at the community there are other homes that are close.

Currently there are 4 separate lots, they have a home on 2 lots and the other two lots has a garage, and this the lots they want to build on. To build you need a city lot with a width of 50 feet, the two lots they want to build on will be 42.5 feet. The current home is a VRBO, they live in the twin cities. They came up on Monday for the meeting and didn't

realize it was moved to Tuesday due to the holiday. The commission answered question 7-11 of the finding of the facts and approved the variance application with the condition of prior to the issuance of a building permit both lots are to be combined through the Crow Wing County Land Services Department.

MOTION BY COMMISSIONER PETERSEN AND SECONDED BY COMMISSIONER ZENDER TO APPROVE THE VARIANCE PERMIT APPLICATION PERMIT 24-1 TO BUILD ON HOUSE ON THE TWO LOTS PROVIDED THE TWO LOTS ARE COMBINED. A ROLL CALL VOTE: ALL VOTED AYE. MOTION CARRIED.

MOTION BY COMMISSIONER WYNN AND SECONDED BY COMMISSIONER PETERSEN TO CLOSE THE PUBLIC HEARING AT 6:43 PM. A ROLL CALL VOTE: ALL VOTED AYE. MOTION CARRIED.

9. Old Business

Patrick asked Cottner if there were any updates since last summer on the Cannabis regulation? Cottner replied that they are working on 2 things.

1. The League of Minnesota Cities is working on Sample Ordinance right now, hoping to have that completed by June.
2. Heard that the state legislature is going to take away local control and treat it more like the state liquor license.

10. Staff Report/Upcoming Applications

None

11. Commissioners' Questions/Comments

Administrator Hill stated that approved variance is a recommendation to the city council as they have the final say.

12. Adjournment

MOTION BY COMMISSIONER BERG AND SECONDED BY COMMISSIONER PETERSEN TO ADJOURN AT 6:52 P.M. A VOICE VOTE: THOSE VOTING AYE: ALL THOSE VOTING NAY: NONE. MOTION CARRIED.

Troy Patrick, Chairperson

Samantha Wodarz, Utility Billing Clerk

This is a holdover from the last conversation with the Planning Commission in August 2021. I have included some notes to consider from the last conversation highlighted below.

Add to city code under “prohibited signs”

Signs which contain statements, words, or pictures of an obscene, indecent, or immoral character, or as would offend public morals or decency.

4. Dynamic Signs: Dynamic displays on signs are allowed subject to the following conditions:

a. Only one dynamic sign shall be allowed per lot.

b. Dynamic displays are allowed only on monument and freestanding signs for conditionally permitted uses in Residential Districts and for all uses in other districts. Dynamic displays may occupy no more than fifty percent (50%) of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face. **Do we want to call out B-1 or B-2 to allow these as wall signs?**

c. A dynamic display may not change or move more often than once every three (3) seconds, except one for which changes are necessary to correct hour and minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least three (3) seconds before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three (3) seconds. **Is 3 seconds too fast?**

d. The images and messages displayed and transitioned must be instantaneous or fading. The use of animation and scrolling is permitted provided that change in message or display does not exceed the rate prescribed in this section. Modes of display which cause the message to flash or blink are prohibited.

e. Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the City that it is not complying with the standards of this section.

f. Dynamic displays must comply with the brightness standards contained in this section.

g. Dynamic displays existing on **INSERT DATE**, must comply with the operational standards listed above. An existing dynamic display that cannot meet the operational requirements may continue as a nonconforming structure.

5. Brightness Standards:

a. Standards: All signs must meet the following brightness standards:

(1) No sign may be brighter than is necessary for clear and adequate visibility.

(2) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

(3) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

(4) If there is a violation of the brightness standards, the adjustment must be made within one day of notice of noncompliance by the City.

b. Maximum Illumination Levels:

(1) Signs using an LED (light emitting diode) light source shall not exceed a luminance level of five hundred (500) candela per square meter (nits) between sunset and sunrise, and shall not exceed a luminance level of five thousand (5,000) candela per square meter between sunrise and sunset.

(2) Signs using fluorescent, neon, or incandescent light sources shall not exceed twelve watts (12 W) per square foot of sign surface area.

(3) All signs with illumination shall be equipped with a mechanism that automatically adjusts the brightness to ambient lighting conditions (e.g., dusk) to ensure that the sign's intensity does not exceed 0.3 foot-candle above ambient light levels as measured from one hundred feet (100') from the sign's face.

c. LED Accents: LED accent lighting used as part of a sign element must comply with these brightness standards.

City of Nisswa

Sec. 20-478. Dynamic display signs.

- (a) *Location and number restricted.* Dynamic display signs are allowed in the highway business district only and require a conditional use permit. Only one contiguous dynamic display area is allowed on a sign face.
- (b) *Minimum display duration.* The full sign image or any portion thereof must have a minimum duration of 15 seconds.
- (c) *Image characteristics.* The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement. No portion of any dynamic display sign may fluctuate in light intensity or use intermittent, strobe, or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles, or in any manner that creates the illusion of movement.
- (d) *Serial images and messages prohibited.* The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
- (e) *Hardwiring required.* A dynamic display may only be placed on a freestanding sign that is hardwired (one is allowed per property).
- (f) *Maximum total sign area.* The total amount of area of a dynamic display shall not exceed 50 percent of the total sign size or 50 square feet, whichever is smaller.
- (g) *Brightness standards.* Dynamic display signs must comply with the following brightness standards:
 - (1) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.
 - (2) The luminance values of 5,000 nits (daytime limit) and 500 nits (nighttime limit) shall not be exceeded by the dynamic display sign manufacturer.
 - (3) All permitted dynamic display signs shall be equipped with a photoelectric cell that automatically determines the ambient illumination and is programmed to automatically dim the sign according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements. If the photoelectric cell fails, the dynamic display sign must automatically go to the nighttime setting.
 - (4) The illuminance of a dynamic display sign shall be measured with an illuminance meter set to measure footcandles accurate to a least two decimals. Illuminance shall be measured with the dynamic display sign off, and again with the dynamic display sign displaying a white image for a full color-capable dynamic display sign, or a solid message for a single-color dynamic display sign. All measurements shall be taken as

close as practical to a perpendicular plane of the sign at the distance in feet determined by the following formula:

SQUARE FOOTAGE OF SIGN EQUATION

$$\sqrt{\text{Square footage of sign} \times 100}$$

- (5) The difference between the off and solid-message measurement shall not exceed 0.3 footcandles at night.
- (6) These signs must also be equipped with an on/off switch so that the sign can be immediately turned off if it malfunctions. A malfunction shall be defined as more than one panel failing to work correctly. The sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.
- (7) No dynamic display sign may be located within 100 feet of any residentially zoned property.
- (8) The architectural design for freestanding signs that include a dynamic display shall be that of high quality. The base shall be landscaped, and the sign structure shall use natural materials such as wood, stone, or brick to fit the "up north" character of the city. The planning and zoning commission shall approve the design of the sign as part of the CUP process.
- (9) Nonconforming signs are not allowed to add a dynamic display.
- (10) Properties that have a dynamic display sign are allowed two fewer banners, feather flags, yard signs than they normally would be allowed. (See also section 20-482.)

(Ord. No. 8 (Fourth Series) , § 2, 3-21-2023)

Sec. 20-479. Illuminated digit display standards.

- (a) Only motor fuel stations are allowed illuminated digit displays to be incorporated into their freestanding sign. This display shall only use seven-segment displays, as shown in the image below. The display must be static and may not exceed 20 square feet.
- (b) The size of an illuminated digit display shall count towards the maximum allowable dynamic display area of 50 percent of the total sign size or 50 square feet. Illuminated digit displays shall comply with the same brightness standards as dynamic display signs. If an illuminated digit display malfunctions, it must be immediately turned off.



(Ord. No. 8 (Fourth Series) , § 2, 3-21-2023)

Pequot Lakes

17-7.1 Signs (5. A6)

Dynamic Displays, including displays used for advertising the price of gasoline: Any sign using a dynamic display, in whole or in part, must meet the following operational standards:

- (a) Size: The total amount of area of dynamic displays on a property shall not exceed 32 square feet per side.
- (b) Location: The dynamic display sign must be located at least one hundred (100) feet from any residentially zoned properties.
- (c) Duration: The full sign image or any portion thereof must have a minimum duration of 8 seconds and must be a static display. No portion of any dynamic display sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or in any manner that creates the illusion of movement.
- (d) Brightness: The dynamic display sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.
- (e) Dimmer Control: Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between a 1/2-hour before sunset and a 1/2-hour after sunrise.
- (f) On/Off Switch: Dynamic displays shall be equipped with an on/off switch so that the sign can be immediately turned off if it malfunctions for any reason or becomes nonconforming.

Emily

§ 152.070 SIGNS

(4) Digital time and temperature signs with digital messaging that does not flash, that are part of an overall sign design are allowed in commercial areas.

Crow Wing County Ordinance

This ordinance will trump any City Ordinance put into place if the sign is located along a county road.

40.7 OFF-PREMISES SIGN GENERAL PROVISIONS

Policy: On July 25, 1995, the Crow Wing County Board placed a limit on the number of off-premises advertising signs that would be allowed along local and state highways. That number shall not exceed the number of such devices that existed, were approved by the zoning authority, or were pending review at 2:00 p.m. on July 25, 1995. Only in the event that an existing off-premises advertising sign is removed within the county, shall another off-site advertising sign be allowed to replace it or be erected. For the purposes of this ordinance, off-premise signs that are removed must be located where the County has jurisdiction over regulation of off-premise signs. This means that signs cannot be removed from cities or townships that have ordinances regulating off-premise signs separate from the County. The Department shall maintain a current record of all legally existing off-premises advertising signs located within the county.

- A. **District Locations.** An off-premises sign shall be located only in districts listed in Article 10.3.
- B. **Size Limitations.** No off-premises sign shall exceed 350 square feet per direction of visibility. No stacked signs shall be allowed. Off-premise signs may consist of one sign face or a V sign as defined by this ordinance.
- C. **Changing Messages.** Nothing in this amendment shall be construed to limit the ability of off-premises sign owners/leasers to change the sign messages or alter the facing of an off-premises sign. This provision shall also apply to all legally existing non-conforming signs.
- D. **Separation Requirements. Separation From Off-premises and On-site Advertising Signs/Road Setbacks**
 1. No off-premises sign or billboard shall be located closer than 600 feet to any other off-premises sign or billboard;
 2. All off-premises signs or billboards shall meet setbacks from the Ordinary High-Water Level of public waters;
 3. No off-premises sign shall be placed within road right-of-way or easement. In areas designated by an approved comprehensive plan as having future frontage roads, setbacks shall be a minimum of 50 feet from existing road right-of-way;
 4. No off-premises sign shall be erected or constructed within 300 feet of an intersection of two public roadways;
 5. No off-premises sign shall be placed within a Type 3, 4 and 5 wetland;

6. No off-premises sign shall be located closer than 500 feet from park/playground, school building or church building or private residence. If an item mentioned in this provision is constructed after an off-premise sign has been erected, the off-premise sign will be considered a legal nonconformity under Article 5 of this ordinance.

E. **Height Restrictions.** No billboard shall be constructed so as to exceed 35 feet in height from existing road grade, not including temporary sign extensions.

F. **Digital/LED Sign Restrictions.** Digital/LED faced off-premise signs are prohibited on all County and Township roads.