



FRIDLEY PLANNING COMMISSION

WEDNESDAY OCTOBER 20, 2021

7:00 P.M.

CALL TO ORDER

Chairperson Hansen called the Planning Commission Meeting to order at 7:00 p.m.

ROLL CALL

PRESENT: Mike Heintz, Amy Dritz, Ryan Evanson, Mark Hansen, and Terry McClellan

ABSENT: Ross Meisner and John Buyse II

OTHERS PRESENT: Stacy Stromberg, Planning Manager
Nancy Abts, Associate Planner
David Ostwald

APPROVE MINUTES

JULY 21, 2021

Motion by Commissioner Evanson to approve the minutes. Seconded by Commissioner Heintz.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED UNANIMOUSLY.

ACCEPTANCE OF MINUTES FROM OTHER COMMISSIONS

JULY 21, 2021

Motion by Commissioner Evanson to approve the minutes. Seconded by Commissioner Dritz.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS:

1. **Consideration of a Text Amendment TA #21-4 to Repeal and Replace Chapter 214, Signs.**

Motion by Commissioner Heintz to open the public hearing. Seconded by Commissioner Evanson.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING WAS OPENED AT 7:01 P.M.

Planning Manager Stacy Stromberg introduced Associate Planner Nancy Abts who joined the City in May.

Associate Planner Nancy Abts stated that the purpose of this text amendment is to bring the sign code into compliance with recent decisions of the Supreme Court. She stated that this would remove content-based regulations, incorporate substitution clause allowing noncommercial speech on any sign where commercial speech is allowed, and some minor changes to the ordinance administration. She highlighted some of the key consideration and background which led to the Supreme Court finding. She provided additional information related to free speech within the first and fourteenth amendments. She stated that they would be moving from a content-based approach to a content-neutral approach, noting that staff worked with the City Attorney and discussed these issues in depth. She provided examples of area identification signs, real estate signs, and rummage/garage sale signs, reviewing the existing regulation compared to the proposed revision.

Chairperson Hansen asked if this would apply to private property only or also public right-of-way.

Ms. Abts stated that this ordinance would regulate signs on private property and City right-of-way. She stated that some signs are excluded from regulation, using the example of MnDOT speed signs within the right-of-way.

Chairperson Hansen asked if this regulation would apply to a garage sale sign placed in the public right-of-way.

Ms. Abts replied that if the sign is placed in the public right-of-way, it would be considered a nuisance and would need to be removed. She stated that code enforcement and the police remove obstructions within the right-of-way.

Ms. Abts continued to review information on temporary commercial signs, temporary residential signs, residential window signs, obsolete sign copy, and noncommercial speech substitution reviewing the existing regulations and proposed revisions. She recommended holding the public hearing, that the Commission provide any input, and provide its recommendation to the City Council.

Commissioner Heintz stated that in each neighborhood there are City neighborhood signs and asked if those would be impacted by these changes.

Ms. Abts replied that those are neighborhood identification signs that the City has placed within the right-of-way and are considered allowed. They are separate from an area identification sign, such as the Pearson Craigway Estates sign.

Commissioner Heintz used the example of a strip mall whose tenants may have special sales for a certain time of year. He asked if, as written, only one business would be allowed to put out a special sign.

Ms. Abts confirmed that the ordinance is written to only allow one temporary sign. She stated that if each tenant wanted to have a sale at the same time, they would need to work that out. She stated that a comprehensive sign plan is required for multi-tenant spaces and therefore the individual leases would allocate how signs are allocated per tenant.

Commissioner Heintz asked if one temporary sign could be allowed per tenant to provide equity and fairness.

Ms. Abts stated that is a good question and consideration and would be a question of how the City wants to regulate. She stated that it would be a bigger question of aesthetics and the number of temporary signs people would want to see. She noted that window signs would be allowed for each of the tenants. She stated that there may be additional space available on the multi-tenant sign that could alert customers to sales or other messages.

Commissioner McClellan asked who would approve temporary signage.

Commissioner Heintz used the example of two businesses that put temporary signs out and asked how the decision would be made as to who needs to take their sign down.

Ms. Abts replied that hopefully they would have permits and that would regulate by which party obtained the permit. She noted that a temporary sign would still require a permit and the application would require approval from the property owner. She stated that the first complete application would be approved. She noted that once the temporary sign permit expires, the second party could submit their application.

Ms. Stromberg used the example of a multi-tenant building that had 17 tenants, and the existing code only allows six temporary permits per year, therefore not every business within that multi-tenant building could have a temporary sign within a one-year period. She stated that there were not many occasions where multiple businesses submitted requests for the say time period. She noted that there could be some flexibility but suggested that the allowed number per street frontage be specified to prevent overcrowding from signage.

Commissioner Heintz agreed that he would not want to see 17 individual temporary signs for a space, but perhaps two or three as they could be spaced adequately.

Ms. Stromberg stated that the existing regulation only allowed a business to have two temporary signs per year, while the revised regulation would not have a stipulation on the maximum number of temporary signs a business could request within one year as long as a permit is requested and obtained.

Commissioner Heintz commented that there are times during the year when more than one tenant may desire temporary signage to denote a sale and therefore, he would support allowing more than one temporary sign for multi-tenant buildings.

Chairperson Hansen stated that he would think that tenants would prefer to work together on signage rather than having sign after sign for each business.

Commissioner Evanson commented that it could be a moot point as the signage allowance is most likely governed by the lease the tenant has with the owner of the multi-tenant building. He stated that the revisions would accommodate more signs that currently allowed.

Chairperson Hansen stated that he believes that staff could use their judgement to allow perhaps two or three signs for a multi-tenant space.

Commissioner Heintz agreed.

Commissioner McClellan agreed with Commissioner Evanson that temporary signage is most likely regulated by the tenant's lease.

Ms. Abts stated that perhaps the allowance could be based on the square footage of street frontage for multi-tenant building. She stated that perhaps one temporary sign is allowed per 100 feet of street frontage.

Commissioner Heintz stated that perhaps the language would allow for one sign if the frontage is under 100 feet and two signs if the frontage is above 100 feet.

Ms. Stromberg stated that the Commission can make that recommendation if they would like to.

Commissioner Heintz stated that he would prefer to specify the allowance rather than placing the burden on staff to make that determination.

Chairperson Hansen stated that he would want to avoid cluttering of signs or obstruction of view in the right-of-way. He stated that he would accept a recommendation that would accommodate the circumstances, but also place a limit.

Ms. Stromberg asked and received confirmation that the allowance would be specific to multi-tenant buildings.

Commissioner Heintz asked who would decide truthfulness of messaging as it can differ based on the point of view of the person.

Ms. Abts stated that she used very general language in her presentation and read the definition included related to obsolete sign copy.

Commissioner Heintz asked if that would apply to a feeling about something.

Ms. Abts stated that the regulation would apply to whether the use is within the building for a commercial use, using the example of a sign advertising the best burgers. She stated that in that example staff would only care if burgers were actually sold as the establishment.

Chairperson Hansen commented that obscene language would continue to be prohibited. He stated that many of the signs would continue to not be allowed on public property or within public rights of way.

Commissioner Heintz asked if school property is regulated.

Ms. Stromberg stated that they are considered an institutional use and would be regulated under that portion of the ordinance.

Chairperson Hansen welcomed any input from members of the public.

No comments were made.

Motion by Commissioner Evanson to close the public hearing. Seconded by Commissioner Heintz.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING WAS CLOSED AT 7:32 P.M.

Commissioner Heintz stated that overall, the revisions provide clarity. He stated that he also does not want to handcuff businesses too much and that is why he made the suggestion to allow more than one temporary sign in a multi-tenant space based on street frontage.

Commissioner Evanson stated that unless there were a lot of complaints previously, he did not see an issue and supported the recommendation from Commissioner Heintz. He stated that these revisions would ensure the City regulations comply with Supreme Court ruling.

Chairperson Hansen also agreed that seems reasonable.

Commissioner Evanson asked if that seems reasonable from the perspective of staff.

Ms. Stromberg agreed that seems reasonable and noted that is allowed in similar suburbs. She stated that it would also be easy for staff to measure the business frontage on GIS mapping.

MOTION by Commissioner Evanson approving the Text Amendment TA #21-04 to Repeal and Replace Chapter 214, Signs as proposed with the following recommendation be added to the code language:

Commercial multi-tenant buildings with greater than 100 feet of street frontage shall be allowed to display up to two temporary signs at the same time.

Seconded by Commissioner Heintz.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS:

2. Approve the 2022 Planning Commission Meeting Dates

Chairperson Hansen asked and received confirmation that these meetings dates would follow the practice for the Commission to meet on the third Wednesday of each month unless changed due to conflict.

MOTION by Commissioner Evanson to approve the 2022 Planning Commission meeting dates.

Seconded by Commissioner Dritz.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED UNANIMOUSLY.

Ms. Stromberg reported that the Council did approve the reasonable accommodation ordinance as recommended by the Commission at its July meeting. She reported that the November Commission meeting has been canceled but anticipated that a December meeting would be held. She provided an update on recent development activity and construction progress.

ADJOURN:

Motion by Commissioner McClellan to adjourn the meeting. Seconded by Commissioner Evanson.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE MEETING ADJOURNED AT 7:44 P.M.

Respectfully submitted,

Amanda Staple
Recording Secretary