

## STAFF REPORT

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**Application:** Conditional use permit to construct an illuminated free-standing sign.

**Applicant:** James and Richard Heidecker

**Agenda Item:** Public Hearing #1

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### **Background Information:**

) **Proposal:** The applicant is proposing to erect a free-standing pole sign with an 8' x 8' two-sided sign face that will have exterior lighting. The property is zoned Commercial - Urban, in which a conditional use permit is required for an "illuminated freestanding sign". The proposed sign will be 20 ft in height (max. 35 ft allowed) and be 64 square feet in size (max. 64 sq ft allowed). It will be located 20 feet back from the property/right-of-way line.

) **Location:**

- o Property address: 4354 County Road 82 SE
- o Sec/Twp/Range: 22-128-37
- o Parcel number(s): 03-1760-025

) **Zoning:** Commercial-Urban (C-U)

) **Lot size:** Approx. 19.71 acres

Existing and Proposed Impervious Coverage: Well under limit of 75% lot coverage.

) **Septic System Status:** The property is not currently served with ALASD sewer (the main line is located on the north side of County Road 82, but this lot does not have a stub to that line and was granted a variance to not connect when it was platted) and is not to have any sewage generating uses on the property as a condition of the approval of the platting of this lot.

) **Natural Features:**

- o Floodplain: The property is not located within a floodplain.
  - o Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes that would impact the proposed sign.
  - o Wetlands: There do not appear to be any wetlands that would impact this proposal.
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### **Applicable Statutes/Ordinances:**

## SECTION V. PERFORMANCE STANDARDS

### A. SIGNS

#### 4. Specific Regulations by Zoning District.

d. Rural Commercial/ Urban Commercial / Light Industrial Zones

(1.) Signs requiring an administrative permit

- (a) Wall, projecting or marquee signs between six (6) and sixty-four (64) square feet in size or Wall signs up to ten percent (10%) of a building façade which faces a street. Such signs may be internally or externally illuminated.
- (b) Up to two (2) permanent freestanding signs per property as follows:
  - i. Sign A: No greater than sixty-four (64) square feet in size and thirty five (35) feet in height.
  - ii. Sign B: No greater than sixty-four (64) square feet in size and fifteen (15) feet in height.
- (c) Permanent off-premise directional signs advertising a business within two (2) miles of the sign not greater than thirty-two (32) square feet in size

(2.) Signs requiring a conditional use permit

- (a) Wall, projecting or marquee signs greater than sixty-four (64) square feet in size or Wall signs up to ten percent (10%) of a building façade which faces a street.
- (b) Permanent off-premise directional signs advertising a business located within two (2) miles of the sign between 32 and 64 square feet in size (lesser sizes may be required by the Township in areas where normal and customary speeds are deemed to be slower than the posted or statutory speed limit):
- (c) Up to one (1) pole or monument sign no greater than one hundred (100) square feet in size when located along highways with a posted speed limit of greater than 65 miles per hour.
- (d) Illuminated freestanding signs
- (e) Non-Temporary Portable signs
- (f) Motion signs
- (g) Inflatable signs
- (h) Roof signs, Constructed
- (i) More than two (2) freestanding signs per parcel.
- (j) Signs with more than two faces

(3.) Setbacks and Height

- (a) Road:

i. Signs less than 10 feet in height: 2 feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.

ii. Signs from 10 to 20 feet in height: 10 feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.

iii. Signs greater than 20 feet in height: 20 feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.

(b) Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.

(c) Maximum height

i. Along roads with a posted speed limit of 40 miles per hour or greater: 35 feet

ii. Along roads with a posted speed limit of less than 40 miles per hour: 20 feet

## **SECTION VI. ADMINISTRATION**

### **G. CONDITIONAL USE PERMIT.**

#### **1. Criteria for Granting Conditional Use Permits.**

a. In granting a conditional use permit, the Alexandria Town Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants or surrounding lands. Among other things, the following findings may be considered:

(1.) The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

(2.) The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

(3.) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

- (4.) The use in the opinion of the Town Board is reasonably related to the overall needs of the Township and to the existing land use.
- (5.) The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- (6.) The use is in conformance with the Comprehensive Plan of the Township.
- (7.) The use will not create a traffic hazard or congestion.

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**Staff Findings:** The following findings of fact are presented by Staff for consideration by the Planning Commission:

1. **The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area:**

**Yes.** No additional burden on parks or schools would be expected because it will not involve additional residents or school-age children and there will not be a need for any expansion or improvement to utilities or streets beyond what would normally be expected without the proposed sign.

2. **The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land:**

**Needs discussion.** The proposed sign location is located on commercially-zoned land and the nearest residential zoned property is about 530-550 feet to the southwest. The nearest residentially-used property is about 700 feet to the east (it is zoned commercially however). The lighting from the proposed sign is intended to be directed at the sign only so that it does not shine on the road or to adjacent properties. It would be lit through the entire night, seven days a week.

3. **The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties:**

**Needs discussion.** The primary question is whether the lighting would negatively impact nearby residential properties. Given the distance to residential homes and the lighting being directed onto the sign only, it should not have a significant impact on residential properties.

4. **The use in the opinion of the Town Board is reasonably related to the overall needs of the Township and to the existing land use:**

**Needs discussion.** The Township has a general desire to support the use of property for commercial uses when appropriately located and zoned.

This property is zoned commercially and the construction of a sign would not be abnormal. The primary question is whether the lighting will be done in a way that adequately protects neighboring residential landowners from negative effects.

**5. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to located the proposed use:**

**Yes.** The area of the proposed development has been zoned as “Commercial – Urban” The purpose of this district is:

“The Commercial – Urban district is intended to provide opportunities for commercial uses that are best located in areas providing urban services, such as centralized sewer treatment and urban streets. Examples of such uses include those that generate high-strength or problem wastes not typically found in residential wastewater, those generating large amounts of wastewater, or facilities that discharge chemical or other non-organic wastes in amounts not suitable for treatment in an individual sewage treatment system. Areas chosen for this district are located along state highways at intersections with county or township roads capable of handling additional traffic and within current public sewer district service areas.”

The proposed business use is already permitted within the district. The proposed sign is also an allowable use, except that illumination of the sign requires a conditional use permit.

**6. The use is in conformance with the Comprehensive Plan of the Township:**

**Needs discussion.** The comprehensive plan identifies the area of the proposed development in the Future Land Use Map as “Urban Commercial/Light Industrial”

“The purpose of this land use category is to provide opportunities for commercial and light-industrial uses that are best served by urban sewer infrastructure due to the types and/or amount of wastewater produced. Examples of such uses include those that generate high-strength or problem wastes not typically found in residential wastewater, such as facilities serving food or drinks, those generating large amounts of wastewater such as laundry operations, or facilities that discharge chemical or other non-organic wastes in amounts not suitable for treatment in an individual sewage treatment system. This category is intended for areas that are inside of the identified future service area of ALASD that are visible or easily accessible from State highways at major intersections. These areas are intended to be located in “nodes” at major intersections rather than in a “strip” design along long sections of a road corridor. Heavy industrial uses which require significant water supply or that generate nuisance characteristics inconsistent with residential uses are not intended within this district. Long-term residential uses that are incompatible with commercial/industrial uses should not be allowed in this district.”

The proposed use of the property for commercial use and a commercial sign is consistent with the Comprehensive Plan.

**7. The use will not create a traffic hazard or congestion:**

**Needs discussion.** The lighting of the sign will make the sign more visible to traffic and ideally improve traffic flow somewhat by avoiding situations where motorists have to slow down to view the sign. However, it could also act as a distraction to drivers that may create additional congestion or traffic hazards. Generally speaking, a reasonably lighted sign should not create additional traffic hazards and may improve traffic conditions beyond what might otherwise exist if the sign were unlighted.

**8. The use will conform to the applicable zoning regulations, including any dimensional restrictions the regulations may impose on buildings or uses:**

**Yes.** The applicant's initial plans are to install a 64 sq ft sign that is 20 feet tall at its highest point. These are both within the required size limits. The sign will also meet the minimum required setbacks from the property line.

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**Planning Commission Direction:** The Planning Commission may recommend approval of the proposed use, denial of the request(s), or table the request(s) if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, the Commission should state the findings which support either of these actions.

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**Staff Recommendation:** Based on the findings of fact and discussion listed above, Staff recommends approval of the proposed lighted sign, subject to the following conditions:

1. That the lights on the sign be directed to the sign face only such that it does not create a hazard for drivers on County Road 82 or a nuisance to neighboring residential properties.
2. That the sign meets all requirements (if any) of the Minnesota Department of Transportation, which retains some regulatory authority over signage along County Road 82.