



Saint Paul Planning Commission

City Hall Conference Center Room 40
15 Kellogg Boulevard West

Agenda

Christopher B. Coleman,
Mayor

May 30, 2014
8:30 – 11:00 a.m.

Saint Paul
Planning Commission

Chair
Barbara A. Wencil
First Vice Chair
Elizabeth Reveal
Second Vice Chair
Paula Merrigan
Secretary
Daniel Ward II

Pat Connolly
Daniel Edgerton
Gene Gelgelu
Anne DeJoy
William Lindeke
Kyle Makarios
Gaius Nelson
Rebecca Noecker
Christopher Ochs
Trevor Oliver
Julie Padilla
Emily Shively
Terri Thao
Wendy Underwood
Jun-Li Wang
David Wickiser

Planning Director
Donna Drummond

I. Approval of minutes of May 2, 2014

II. Chair's Announcements

III. Planning Director's Announcements

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

NEW BUSINESS

#14-200-064 Yia Vang – Reestablishment of nonconforming use for a chiropractic clinic.
1200 Galtier Street, SE corner at Maryland. (*Jake Reilly, 651/266-6618*)

#14-198-104 TNT Fireworks (1177 Clarence) – Conditional use permit for outdoor
commercial sale of consumer fireworks. 1177 Clarence Street, West side of Clarence at
Rose Avenue East. (*Bill Dermody, 651/266-6617*)

#14-197-427 Internacional Auto Sales LLC – Expansion of nonconforming use to
increase number of parking stalls for used car sales (17 existing spaces for used cars for
sale, 29 proposed). 1265 Arcade Street, NW corner at Orange.
(*Bill Dermody, 651/266-6617*)

V. Comprehensive Planning Committee

Amendments to Chapter 64-Signs – Release proposed text amendments for public review
and set a public hearing on July 11, 2014. (*Jake Reilly, 651/266-6618*)

VI. Lowertown Ballpark – Informational presentation on the site plan, design, and
construction schedule by Jody Martinez, Design Manager, Parks and Recreation
Department.

VII. Neighborhood Planning Committee

VIII. Transportation Committee

IX. Communications Committee

X. Task Force/Liaison Reports

XI. Old Business

XII. New Business

XIII. Adjournment

Information on agenda items being considered by the Planning Commission and its committees can be found at www.stpaul.gov/ped, click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &
Heritage Preservation Commission
MASTER MEETING CALENDAR**

WEEK OF MAY 26-30, 2014

Mon (26) _____

Tues (27) _____

3:30- Comprehensive Planning Committee
5:00 p.m. (Merritt Clapp-Smith, 651/266-6547)

13th Floor – CHA
25 Fourth Street West

Chapter 64. Signs – Recommendation to release for public review and set a public hearing on July 11, 2014. *(Jake Reilly, 651/266-6618)*

Weds (28) _____

Thurs (29) _____

Fri (30) _____

8:30- Planning Commission Meeting
11:00 a.m. (Donna Drummond, 651/266-6556)

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

Zoning..... SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

NEW BUSINESS

#14-200-064 Yia Vang – Reestablishment of nonconforming use for a chiropractic clinic. 1200 Galtier Street, SE corner at Maryland. *(Jake Reilly, 651/266-6618)*

#14-198-104 TNT Fireworks (1177 Clarence) – Conditional use permit for outdoor commercial sale of consumer fireworks. 1177 Clarence Street, West side of Clarence at Rose Avenue East. *(Bill Dermody, 651/266-6617)*

#14-197-427 Internacional Auto Sales LLC – Expansion of nonconforming use to increase number of parking stalls for used car sales (17 existing spaces for used cars for sale, 29 proposed). 1265 Arcade Street, NW corner at Orange. *(Bill Dermody, 651/266-6617)*

**Comprehensive Planning
Committee.....**

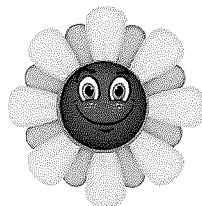
Amendments to Chapter 64-Signs – Release proposed text amendments for public review and set a public hearing on July 11, 2014. *(Jake Reilly, 651/266-6618)*

Informational Presentation.... Lowertown Ballpark – Informational presentation on the site plan, construction schedule by Jody Martinez, Design Manager, Parks and Recreation Department.

**The Planning Commission
minutes from the meeting
on Friday, May 2, 2014 are
not ready for your review
yet. You will receive an
email with the minutes
attached when they are
ready.**

Thanks you,

Sonja Butler





CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

SITE PLAN REVIEW COMMITTEE

**Tuesday, May 27, 2014
2nd Floor Conference Room
375 Jackson Street, Suite 218**

<u>Time</u>	<u>Project Name and Location</u>
9:00	State Capitol 75 Martin Luther King Boulevard Site improvements associated with capitol building renovation
9:45	Homestead Partners/Pleasant Avenue houses 361 Pleasant Avenue Prepare site for construction of 8 single-family houses
10:35	Frogtown Park 919 Lafond Avenue Site work for a new park, including earthwork, entrance road, parking, walks, landscaping. (Work does not include Frogtown Farm urban agriculture.)
11:20	Maria Traffic Calming 400 Maria Improvements to Maria Street to improve pedestrian environment

Applicants should plan to attend this meeting.

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire Inspections, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

The meeting room is on the skyway level and 25' to your left as you get out of the elevator.

Parking

A few free parking spaces are available in our visitor parking lot off of 6th Street at Jackson. Parking is also available at on-street meters. The closest parking ramp is on Jackson one block south of our office between 4th and 5th Street.

If you have questions, please contact Tom Beach at 651-266-9086 or tom.beach@ci.stpaul.mn.us.

FOR THE FULL ZONING COMMITTEE AGENDA SECTION

of this packet go to the link below:

<http://stpaul.gov/index.aspx?NID=3436>

Thank you

Sonja Butler

Planning Commission Secretary/Office Assistant IV

1400 City Hall Annex

25 Fourth Street West

Saint Paul, MN 55102

651-266-6573



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: May 23, 2014
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of May 22, 2014, Zoning Committee Hearing

NEW BUSINESS

	<u>Recommendation</u>
<u>Staff</u>	<u>Committee</u>

1. **Yia Vang (14-200-064)**
Reestablishment of nonconforming use for a chiropractic clinic

Approval	Approval (7 - 0)
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Address: 1200 Galtier St.
SE corner at Maryland

District Comment: District 6 recommended approval

Support: 3 people spoke, 1 letter

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Approval

	<u>Recommendation</u>
<u>Staff</u>	<u>Committee</u>

2. **TNT Fireworks (1177 Clarence) (14-198-104)**
Conditional use permit for outdoor commercial sale of consumer fireworks

Approval with conditions	Approval with conditions (7 - 0)
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Address: 1177 Clarence St. (Cub Foods)
West side of Clarence at Rose Ave E.

District Comment: District 2 recommended approval

Support: 0 people spoke, 1 letter

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Approval with conditions

		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
3.	Internacional Auto Sales (14-197-427) Expansion of nonforming use to increase number of parking stalls for outdoor auto sales Address: 1265 Arcade St. NW corner at Orange District Comment: District 5 recommended denial Support: 1 person spoke, 4 letters Opposition: 0 people spoke, 3 letters Hearing: Hearing is closed Motion: Approval with conditions	Approval with conditions	Approval with conditions (6 - 1) (Padilla)

city of saint paul
planning commission resolution
file number
date

WHEREAS, Ms. Yia Vang, File # 14-200-064, has applied for a reestablishment and change of nonconforming use for a chiropractic clinic under the provisions of §62.109 (c) & (e) of the Saint Paul Legislative Code, on property located at 1200 Galtier St, Parcel Identification Number (PIN) 252923110051, legally described as Auerbach Hands Addition to Subj To Alley Lot 14 Blk 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 22, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant proposes to reestablish a nonconforming use, previously a flower shop categorized as general retail, and change the nonconforming use to a chiropractic clinic, categorized as a medical clinic. The proposed use will occupy the first floor, but not the basement, and no building additions are proposed.
2. 1200 Galtier Street is a two-story mixed-use building in the RT1 zoning district on the corner of Galtier Street and Maryland Avenue, with retail space below one apartment unit. The site's previous use was a flower shop, which was legally nonconforming.
3. Section 62.109(e) states: *When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* The building, which has been vacant for over a year, is designed for commercial/office types of uses rather than the residential and institutional uses permitted in the RT1 district. Repurposing the building for such uses would be very costly and uneconomical.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The previous flower shop general retail business is first permitted in the T2 Traditional Neighborhood district, while the proposed use is first permitted in the more restrictive T1 Traditional Neighborhood district.
 - (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. A medical office business such as proposed is not detrimental to

moved by _____
seconded by _____
in favor _____
against _____

the surrounding character and does not endanger the public. Building permits and proper inspection will be required in order for a Certificate of Occupancy to be issued.

- (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The proposed use is consistent with the Comprehensive Plan, which designates the property as part of an Established Neighborhood, as shown in the Generalized 2030 Future Land Use Map (Figure LU-B). The Comprehensive Plan states, "Established Neighborhoods are residential areas of predominately single-family housing and adjacent neighborhood-serving commercial uses. These are areas of stability where the existing character will be essentially maintained." The existing character is maintained by the proposed use, which utilizes an existing mixed-use building and, as noted above, is first permitted in a more restrictive zoning district than the previous use. The District 6 Plan does not have any policies that apply to this proposal.
- (5) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on May 1, 2014: 16 parcels eligible; 11 parcels required; 11 parcels signed.
4. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:*
 - a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. As noted above, the previous flower shop business is first permitted in the T2 Traditional Neighborhood district, while the proposed use is first permitted in the more restrictive T1 Traditional Neighborhood district.
 - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. The traffic generation for the chiropractic clinic is anticipated to be lower and more consistent throughout the day than the previous flower shop use. The applicant states that few walk-in customers are anticipated as most patients will be seen by appointment by the single practitioner. Parking in the rear is designated for clients and is not likely to overflow to on-street parking because of the appointment schedule and single practitioner. The parking requirement for this medical clinic (1,400 square feet) is one off-street parking space per 400 square feet, or four spaces. The parking requirement for the previous use, a flower shop, was also one off-street parking space per 400 square feet, or four spaces. In both cases, the parking is non-conforming and the non-conformity will not be increased with the establishment of the new use.
 - c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. As noted above, a medical office business such as proposed is not detrimental to surrounding character and does not endanger the public.
 - d. *The use is consistent with the comprehensive plan.* This finding is met. As noted above, the proposed use is consistent with the Comprehensive Plan and its Established Neighborhood designation for the subject site.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Ms. Yia Vang for a reestablishment and change of nonconforming use for a chiropractic clinic at 1200 Galtier Street is hereby approved.

city of saint paul
planning commission resolution
file number
date

WHEREAS, TNT Fireworks, File # 14-198-104, has applied for a conditional use permit for outdoor commercial sale of consumer fireworks under the provisions of §65.526 and §65.501 of the Saint Paul Legislative Code, on property located at 1177 Clarence St, Parcel Identification Number (PIN) 272922220162, legally described as Kiefer Park Vac Sts And Alleys Accruing And Fol, Lots 7 Thru 10 And Lots 15 Thru 28 Blk 1 And Lots 1 Thru 28 Blk 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 22, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application proposes to occupy approximately 10 parking spaces in the parking lot of Cub Foods for the purpose of selling consumer fireworks. The affected area includes a 20' x 40' sales tent and an overnight storage container.
2. The Zoning Code permits the outdoor sale of consumer fireworks as a conditional use in the B3 community business district subject to the standards and conditions of Section 65.526. Minnesota Statutes Sec. 624.20 Subd. 1(d) in essence requires that outdoor sales of fireworks be permitted in those zoning districts where other outdoor sales are permitted, and the Saint Paul Zoning Code permits certain other outdoor sales in the T2 traditional neighborhood district. The standards and conditions for outdoor commercial sale of consumer fireworks area as follows:
 - a. *The standards and conditions of Section 65.525 shall apply: Sec. 65.525 states: The use shall not conflict with off-street parking, off-street loading and the system of pedestrian flow. The planning commission, in determining that the use is harmonious with adjacent uses, shall require the submission of a site plan including a floor plan and all uses within three hundred (300) feet of the boundary of said site superimposed on said site plan. This condition is met. Though the use occupies approximately 10 parking spaces, they are located far from the commercial building entrances. Pedestrian flow is unaffected by the use. The parking lot drive aisles are unimpeded by the sales tent and storage container.*
 - b. *The use shall obtain all necessary permits from the city. Permits for outdoor sale of consumer fireworks shall be valid from June 25 to July 5 each year, during the*

moved by _____
seconded by _____
in favor _____
against _____

- Independence Day holiday season.* This condition can be met. The applicant has verbally conveyed an intent to abide by this condition, which is a recommended condition of approval.
- c. *All items offered for sale shall be kept within the sales structure. The sales structure shall be located at least twenty (20) feet from any other structure.* This condition is met. The application site plan shows a sales tent where the items will be kept. The tent is at least 20 feet from the nearest structure.
 - d. *The sales structure shall be located at least one hundred (100) feet from the closest property line of any property used or zoned for residential use (excluding mixed commercial-residential uses).* This condition is met. The closest residential properties are approximately 250 feet to the north and 400 feet to the south.
 - e. *An outdoor no-smoking area of fifty (50) feet surrounding the perimeter of the structure shall be maintained on the property. The fifty-foot non-smoking area must be physically marked. No portion of any public sidewalk, boulevard right-of-way, public street, or alley may fall inside the perimeter.* This condition can be met. The buffer area does not include any portion of a public sidewalk, boulevard, street, or alley. A recommended condition would require such signage, which should be placed as directed by the Fire Marshal.
 - f. *The structure shall not be located within fifty (50) feet of a motor vehicle fuel dispenser.* This condition is met. There are not motor vehicle fuel dispensers in this commercial area.
 - g. *When the structure is unoccupied and not open for business, merchandise shall be secured or removed from the site.* This condition is met. A metal overnight storage container is provided just east of the sales tent for this purpose.
3. §61.501 lists five standards that all conditional uses must satisfy:
- a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. There are no provisions in the Comprehensive Plan, District 5 Plan, or Northeast Corridor Development Plan that pertain to the proposed use.
 - b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The use does not block any drive aisles and utilizes existing ingress and egress for the shopping center.
 - c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition can be met. Provided that the Zoning Code conditions specific to fireworks sales are met (#2 above), then the use will not be detrimental to the surrounding character or present a danger.
 - d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use is temporary and is located in the parking lot, so it will have no effect on the development and improvement of surrounding property.
 - e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use is temporary and therefore is not required to meet T2 building and site design standards.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of TNT Fireworks for a conditional use permit for outdoor commercial sale of consumer fireworks at 1177 Clarence St is hereby approved subject to the following conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. Materials may be stored only under the sales tent or in the overnight storage container. No materials may be stored in adjacent areas, such as drive aisles.
3. The use is permitted only from June 25 to July 5, 2014.
4. A 50' no-smoking area around the use's perimeter shall be maintained and physically marked. Signs shall be placed as directed by the Fire Marshal.
5. Hours of operation shall be 9 a.m. to 10 p.m.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-228-3220*

DATE: May 23, 2014
TO: Zoning Committee
FROM: Bill Dermody, City Planner
RE: Hours of operation for TNT Fireworks (ZF #14-198-104)

At the Zoning Committee public hearing on May 22, 2014 the Committee passed a motion to approve the staff recommendation, plus an additional condition (Condition No. 5) that would limit the hours of operation to 8 a.m. – 10 p.m. There was discussion and general agreement among the Committee members that there should be a restriction on hours of operation, and that such restriction should be consistent with previous approvals at other locations. Given the Committee's discussion and stated intent, staff has conducted additional research and amended Condition No. 5 for the draft Planning Commission resolution accordingly, per below.

The Conditional Use Permit (CUP) approved for outdoor fireworks sales at 1440 University Ave W (ZF #11-116-461) limited its hours of operation to 9 a.m. – 8 p.m. Staff incorrectly stated at the May 22, 2014 hearing that the University Ave CUP did not have limits on hours of operation, having referenced the Zoning Committee staff report rather than the final approved permit. In fact, the Zoning Committee added that condition, though there is no reasoning given or discussion reflected in the minutes.

The CUP approved for outdoor fireworks sales at 2089 Hudson Road (ZF #11-130-360) did not have a condition addressing hours of operation. However, the staff report and the Planning Commission resolution contained a finding that included the following statement: "Proposed hours of operation are 9 a.m. to 10 p.m. each day."

Staff has amended Condition No. 5 to reflect the less restrictive hours between the two referenced CUPs (9 a.m. – 10 p.m.) with the hope that this best reflects the Committee's intent.

Cc: Peter Warner, CAO
Planning Commission

city of saint paul
planning commission resolution
file number
date

WHEREAS, Internacional Auto Sales, File # 14-197-427, has applied for an expansion of nonconforming use to increase number of parking stalls for outdoor auto sales under the provisions of §62.109(d) of the Saint Paul Legislative Code, on property located at 1265 Arcade St, Parcel Identification Number (PIN) 202922440068, legally described as Oak Ville Park Lots 17 And Lot 18 Blk 6; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 22, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The site is located at the northwest corner of Orange and Arcade Streets. It is currently used for automobile sales. The lot is enclosed by an approximately 6'-high fence with two gates—one along each street frontage.
2. The existing CUP, approved in 1994, allows no more than 14 "for sale" cars on the lot at any one time, and requires a minimum of 8 off-street parking spaces for customers/employees. The 1994 CUP also forbids parking "for sale" vehicles in the public street or alley.
3. The application requests expansion of a nonconforming use (outdoor auto sales) to allow 29 parking stalls to be used for auto sales.
4. According to staff calculations, the site cannot accommodate more than 28 parking stalls – the application site plan shows more stalls along Arcade Street than can actually fit on the site, meeting Zoning Code off-street parking facility standards. Additionally, the Zoning Code standards, if applied strictly, would leave room for only two (2) parallel parking spaces in front of the building after accounting for the drive aisle, rather than the six (6) angled spaces shown in that area – however, the 1994 CUP included a site plan with that same inadequately sized drive aisle. Regardless of the maximum number of vehicles approved through the subject application, a site plan review is necessary to ensure proper compliance with Zoning Code standards.
5. The applicant has conveyed that a reason for the application is to allow more vehicles to be kept on-site where they can be better protected from vandalism.
6. Section 62.109(d) *Expansion or relocation of nonconforming use states that the planning commission may permit the expansion or relocation of a legal nonconforming use if the commission makes the following findings:*

moved by _____
seconded by _____
in favor _____
against _____

1. *In residential districts, the expansion or relocation will not result in an increase in the number of dwelling units.* This finding is met. This is a non-residential property with no dwelling units proposed.
2. *For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district.* This finding is met. No expansion of a structure is requested.
3. *The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood.* This finding is can be met. The business expansion can be compatible with the adjacent property and neighborhood if the site is maintained properly, including no outside storage of materials other than automobiles, and if no vehicles are parked on public streets or alleys nearby.
4. *Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses.* This finding can be met. Sec. 63.200 requires 1 parking space per 400 sq. ft. GFA plus 1 space per 5,000 sq. ft. of outdoor sales, which equals 5 (4 plus 1) parking spaces for the subject site. A site plan review is necessary to verify that the minimum parking space and drive aisle dimensions are provided.
5. *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use.* This finding is met. The first zoning district that conditionally permits the use is B3. However, the site cannot meet the B3 condition that requires a minimum lot size of 15,000 sq. ft. The second zoning district that conditionally permits the use is IT. However, the site cannot meet the IT condition that it be located within ¼ mile of University Avenue. Therefore, the first zoning district that would permit the use is I1. Rezoning the site to I1 would result in spot zoning inappropriate to the area, which contains no industrial zoning.
6. *After the expansion or relocation, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare.* This finding can be met. The business expansion will not be detrimental to the immediate neighborhood's existing character nor endanger the public health, safety, or general welfare if the site is maintained properly, including no outside storage of materials other than automobiles, and if no vehicles are parked on public streets or alleys nearby. No increase in noise, vibration, glare, dust, or smoke is anticipated from the use expansion.
7. *The use is consistent with the comprehensive plan.* This finding is met. The Comprehensive Plan designates the site as part of a Mixed Use Corridor, which allows for commercial uses such as proposed. The District 5 Plan contains no provisions specific to the proposal. The Arcade Street Small Area Plan does not address business expansions such as proposed, though it does encourage community-oriented commercial to locate at the Maryland and Phalen intersections rather than other locations along Arcade Street.
8. *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the expansion or relocation.* This finding is met. The petition was found sufficient on April 23, 2014: 14 parcels eligible; 10 parcels required; 10 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Internacional Auto Sales for an expansion of nonconforming use to increase number of parking stalls for outdoor auto sales at 1265 Arcade St is hereby approved subject to the following conditions:

1. There shall be no more than 28 vehicles on the lot at any one time, including "for sale"

vehicles and those of customers and employees.

2. A minimum of 5 off-street parking spaces shall be provided for customers/employees. All customer/employee parking spaces shall be specifically indicated on the approved site plan. Each such space shall be designated by a permanent sign (and paint stripes) which shall specify that the spaces are for customer/employee parking only. Any space so designated shall not be used at any time for any other purpose.
3. Site Plan approval through the Department of Safety and Inspections.
4. No outside storage of anything other than passenger automobiles, as defined under Minn. Stat. 168.002, Subd. 24, shall be permitted on the site.
5. "For sale" vehicles shall be parked only on the lot at all times and shall not be parked in the public street or alley at any time.
6. No barbed wire fencing shall be present on the site.
7. A violation of any license condition imposed by the City, County, or State for this use shall constitute a basis upon which to revoke this zoning permit.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-228-3220*

DATE: May 23, 2014

TO: Planning Commission

FROM: Jake Reilly, 651-266-6618, jake.reilly@ci.stpaul.mn.us

RE: Amendments to Chapter 64 – Signs (to be considered by the Comprehensive Planning Committee at its meeting on May 27th)

Background:

The Saint Paul Zoning Code is established to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community. Section 61.801(a) of the Zoning Code requires periodic review and reevaluation of the code, and Section 61.801(b) authorizes the Saint Paul Planning Commission to initiate amendments to the code. A number of minor text edits are needed in order to update and clarify the Zoning Code to better accommodate modern signage, current standards and practice, and interpretations by the Zoning Administrator. On January 24, 2014 the Planning Commission authorized a study of Chapter 64- Signs via Resolution #14-05. Staff has been studying the issue, partnering with staff from the Department of Safety and Inspections (DSI), Heritage Preservation Commission (HPC) as well as Saint Paul Parks (Parks).

There are four issues to be addressed by these amendments, which include suggested changes to both Chapter 64 - Signs of the Saint Paul Zoning Code and Appendix I of the Saint Paul Legislative Code.

1. Minor text amendments

Through several code revisions, certain code citations have changed and not been changed consistently throughout the zoning code chapters. In addition, there have been typographical errors made on a number of occasions and there have been interpretation issues encountered primarily by DSI staff. All of these issues are addressed with this series of edits to Chapter 64.

2. Amendments to accommodate municipal ballpark

Chapter 64 - Signs does not accommodate signs proposed for the new municipal ballpark in Lowertown. The chapter references Midway Stadium as well as "professional sports facilities," but does not provide for the new municipal ballpark in Lowertown in regard to sports facility sponsorship signs or advertising signs. Text changes to accommodate the new ballpark are included in this amendment package.

In addition, proposals for signage at the ballpark include proposals for roof signs, which are prohibited city-wide. Roof signs were initially addressed in 2007 when the Planning Commission reviewed a City Council text amendment to prohibit roof signs city-wide. The Planning Commission, in their recommendation, provided an alternative for additional restrictions on roof signs, short of prohibiting them, but the City Council voted unanimously to prohibit them. In the amendment package reviewed by the Comprehensive Planning Commission on April 29, 2014, staff proposed to amend the restriction on roof signs to permit them only in the B5 Central Business Service zoning district as well as only on professional sports facilities, in a manner similar to the way advertising signs are permitted on professional sports facilities. Permitting them only in the B5 zoning district would continue the prohibition on roof signs in the B4 district, which is where the Xcel Energy Center and related convention halls are located. Discussions with HPC staff regarding roof signs have been positive, as roof signs were relatively common on warehousing buildings in Lowertown historically. HPC staff has presented Parks staff and staff from the ballpark project and Saint Paul Saints organization with historically-accurate signage options, which are being considered for the roof sign(s). In the recommended draft code language roof signs with dynamic display are prohibited.

After discussion with the Comprehensive Planning Committee on April 29, staff was directed to accommodate roof signs through an alternative method, such as a conditional use permit, to potentially allow roof signs in other zoning districts. Those changes are reflected in the attached proposed amendments. The changes in the attached proposed amendments include permitting roof signs only in the B5 Central Business Service district, subject to application for, approval, and receipt of a conditional use permit, for which required standards and conditions are outlined.

3. Transit stop signage

The Green Line Light Rail Transit (LRT) stations are proposed to have advertising kiosks. Advertising kiosks at LRT stations are not addressed in Chapter 64 - Signs, nor are they addressed in other sections of the city's legislative code. Bus stops are addressed, and those provisions are recommended to be amended in order to accommodate advertising on LRT and streetcar stop shelters, as well as bus stop shelters, by changing the word "bus" to "transit." Appendix I of the city's legislative code refers to bus stop shelter franchises, including provisions for advertising, but cites specifically Minnesota Statutes, Section 160.27, Subd. 2 as the authorizing legislation (Attachment C) for the city to allow advertising on bus stop shelters in street and highway right-of-way. That legislation refers to both streetcars and buses and states, "The owners may place advertising on the benches and shelters if authorized by the license, permit, or franchise, provided that advertising on shelters shall be limited to one-third of the vertical surface of the shelter." Appendix I may be amended by the City Council provided the amendments align with Minnesota Statutes, Section 160.27, Subd. 2. The Planning Commission may recommend changes to Appendix I, even though review by the commission is not required, as it is for Zoning Code amendments. Amendments to the Zoning Code and Appendix I are included in this package, in Attachments A and B.

4. Nice Ride kiosks

Nice Ride kiosks are supported through sponsorship signs on the non-map side of the kiosk. Because Nice Ride is a 501(c)3 non-profit organization, they must follow specific rules outlined by the IRS regarding advertising and sponsorship signs. The signs on the Nice Ride kiosks meet the definition of "advertising sign" in the Saint Paul Zoning Code, which prohibits advertising signs in all zoning districts. The attached proposed amendments would allow Nice Ride sponsorship signs in a similar manner to transit stop shelters in all zoning districts. Minnesota Statutes, Section 160.27 Subd. 7 (Attachment C) authorizes the placement of bicycle racks with

or without signage in the public right-of-way, subject to approval by the appropriate road authority.

Recommendation

Staff recommends that the Planning Commission set a public hearing on the proposed text amendments to Chapter 64 - Signs for July 11, 2014.

Attachments:

A – Proposed text amendments to Chapter 64 – Signs of the Saint Paul Zoning Code with strikeouts/underlines and notes

B – Proposed text amendments to Appendix I of the Saint Paul Legislative Code with strikeouts/underlines and notes

C – Minnesota State Statutes, Section 160.27 Subd. 2 and 7

Chapter 64. Zoning Code - Signs

Article I. Purpose and Definitions

...

Sec. 64.102. Definitions.

All words and terms not defined in this chapter which are defined in the Minnesota State Building Code or elsewhere in the zoning code of the City of Saint Paul shall be interpreted as therein defined. Otherwise, for the purposes of this chapter, terms and words not herein defined shall have the meaning customarily assigned to them. Certain words and terms shall be defined as follows.

...

Sec. 64.103. A.

Advanced speed arteries. A limited access freeway or other road upon portions of which speeds of forty-five (45) miles per hour or greater are permitted.

Advertising sign. A sign which directs attention to a business, profession, commodity, service or entertainment which is conducted, sold or manufactured elsewhere than on the premises upon which the sign is placed. It shall be considered as a nonaccessory sign except that an advertising sign on a professional sports facility with permanent seating for more than ~~ten thousand (10,000)~~ six thousand (6,000) spectators shall be considered as accessory. Billboards are a form of advertising sign. Advertising signs located on ~~bus transit~~ stop shelters, courtesy benches and ~~newsstands~~ racks are regulated under other chapters and are not subject to the requirements of this chapter. Sports facility sponsorship signs are a special type of off-premise sign and are subject to different regulations from advertising signs.

[Note: This adds language to accommodate new opportunities in the city for advertising signs at LRT stations, just as existing language provides for advertising on bus stop shelters and bus stop courtesy benches. "Bus stop shelters" is changed to "transit stop shelters" to apply to LRT and streetcars as well as bus stops.]

...

Sec. 64.104. B.

...

~~*Bus stop shelter.* Bus stop shelters are regulated under appendix I and are not subject to the requirements of this chapter.~~

[Note: To be changed to "transit stop shelter" and moved to Sec. 64.122. T.]

...

Sec. 64.105. C.

Combination sign. A sign incorporating any combination of the features of freestanding, and projecting ~~and roof~~ signs.

[Note: Roof signs are no longer permitted and should not be included under the definition of combination sign]

Courtesy bench. Courtesy benches are regulated under ~~chapter 315~~ Chapter 127, Courtesy Benches, and are not subject to the requirements of this chapter.

[Note: Updates a code reference.]

...

Sec. 64.116. N.

Newsstandrack. Newsstandracks are regulated under ~~chapter 128~~ 131 and are not subject to the requirements of this chapter.

[Note: Updates a code reference and term to be consistent with Chapter 131]

...

Sec. 64.118. P.

...

Projecting sign. A sign, other than a wall or roof sign, that ~~which~~ projects from and is supported by a wall or ~~a building or structure.~~

[Note: Cleans up language to make the definition more clear]

...

Sec. 64.120. R.

...

Real estate sign. A temporary sign placed upon a property advertising that particular property for sale, rent or lease, and excluding a cloth, vinyl or banner sign, which are regulated under section ~~64.402(m)(3)~~ 64.419(d).

[Note: Wrong code citation]

Roof sign. A sign mounted ~~erected upon or above~~ a roof or parapet that projects above the top of a building or structure wall.

[Note: Clarifies that a roof sign projects above the top of a building wall, including the parapet wall.]

...

Sec. 64.122. T.

Transit stop shelter. Transit stop shelters are regulated under appendix I of the city's legislative code, and are not subject to the requirements of this chapter.

[Note: Was "bus stop shelter" and must be amended to provide for transit options in the city and to ensure the code reference is correct. Appendix I needs to be amended at the same time to change the term "bus stop shelter" to "transit stop shelter" and will move forward at the City Council level.]

...

Article II. 64.200. Administration and Enforcement

Sec. 64.201. Duties of zoning administrator.

...

(d) The zoning administrator shall not issue any sign permits that do not conform to this chapter. ~~No renewal of an expired permit shall be issued for a use or structure made nonconforming by amendments to this code.~~

[Note: Sign permits can no longer be renewed. If a sign permit expires and work was not done under that permit, a new permit, meeting today's standards, must be obtained.]

...

Sec. 64.203. - Permits.

A permit shall be required for all exterior signs visible from a public right-of-way.

(a) *Application.* Applications for sign and/or sign structure permits shall be submitted to the zoning administrator. Each application shall contain the names and addresses of the owners of the display structure and property; the address at which any signs are to be erected; the lot, block and addition at which advertising signs are to be erected and the street on which they are to front; and a complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and placing of the display structure; and a fee as required under chapter 33.04. Structural plans are required for all freestanding signs greater than fifty (50) square feet. Permit applications for advertising signs along state trunk highways and interstate highways shall be accompanied by proof that the applicant has obtained a permit from the state for the advertising sign.

[Note: Clarifies where fees are listed]

...

Article IV. 64.400. General Provisions

Sec. 64.401. All signs.

...

(k) *Illumination.* Flashing signs are prohibited. In residential districts, no sign may exceed a maximum illumination of 0.5 footcandle above ambient light level as measured fifty (50) feet from the sign's face.

l) Only one side of a double-faced sign or V-shaped sign shall be used to compute the gross surface display area, display surface area or sign area of a sign.

~~(m) Only one side of a double-faced sign or V-shaped sign shall be used to compute the gross surface display area, display surface area or sign area of a sign.~~

- (am) Canopy signs that are parallel to the street shall be regulated as wall signs. Canopy signs that are perpendicular to the street shall be regulated as projecting signs.
- (en) Multiple tenant buildings. Any application for a sign permit for a multiple tenant building shall include a master sign plan for the building, drawn to scale and fully dimensioned, showing any exterior signage to be provided. The property owner or the property owner's designee shall be responsible for allocating the allowable sign area among the tenants of the building. If a building will contain multiple uses, a comprehensive sign program shall be established.
- (po) Signs attached to buildings shall be positioned so that they are an integral design feature of the building, and to complement and enhance the building's architectural features. Signs shall not obscure or destroy architectural details such as stone arches, glass transom panels, or decorative brickwork.

[Note: Removes duplicate language. Adjusts the formatting to make (k) and (n) more clear and amends (n) to clarify how a multiple-tenant building's master sign plan shall be established.]

...

Sec. 64.405. - Signs with dynamic display.

...

- (e) Image characteristics, duration, and transition. The following standards shall apply to image duration, transition, and other characteristics of signs with dynamic display. Additional district-specific restrictions are contained in Sec. 64.502, and 64.503 and 64.504.

[Note: Adds language referring to code citation for district-specific restrictions]

...

Sec. 64.414. Roof signs.

~~(a) Roof signs prohibited. No roof signs are permitted in any zoning district in the City.~~

~~(b) Professional sports facility. At a professional sports facility with permanent seating for more than six thousand (6,000) spectators and located in a B5 Business zone, one (1) or two (2) roof signs are permitted as an accessory use subject to the following standards:~~

~~(1) Roof signs shall face and be designed to be read by traffic on arterial streets as designated in the comprehensive plan. A facility fronting on one (1) arterial street is permitted to have one (1) roof sign; a facility fronting on two (2) or more arterial streets is permitted to have two (2) roof signs.~~

~~(2) No roof sign shall exceed fifty (50) percent of the total allowable sign area for the facility.~~

~~(3) For roof signs consisting of lettering with no defined background and that allow visibility through the sign through the spaces, the roof sign area shall be the smallest area encompassing all of the words, numerals, figures, designs, or trademarks, as well as any ornamental strip, border, or design around the edges of the sign, and shall be reduced by fifty (50) percent in calculating the permitted roof signage.~~

~~(4) If the zoning administrator determines that the sign lighting affects neighboring properties, roof signs shall not be illuminated overnight, either from midnight or from one (1) hour after the end of any facility event, whichever is later, until 6:00 a.m.~~

~~(5) Roof signs with dynamic display are prohibited.~~

- a) Location, permit required: Roof signs shall be permitted only in the B5 business district subject to a conditional use permit.
- b) Height: Roof signs may not project more than two and a half (2½) feet above the roofline of a one story building and five (5) feet above the roofline of a taller building
- c) Area: No roof sign shall exceed a total of one hundred (100) square feet. The total sign area of all roof signs on one structure shall not exceed fifty (50) percent of the total allowable sign area for the facility.
- d) Roof signs shall face and be designed to be read by traffic on arterial streets as designated in the comprehensive plan. A facility fronting on only one (1) arterial street is permitted to have one (1) roof sign; a facility fronting on two (2) or more arterial streets is permitted to have two (2) roof signs.
- e) For roof signs consisting of lettering with no defined background and that allow visibility through the sign through the spaces, the roof sign area shall be the smallest area encompassing all of the words, numerals, figures, designs, or trademarks, as well as any ornamental strip, border, or design around the edges of the sign, and shall be reduced by fifty (50) percent in calculating the permitted roof signage.
- f) If the zoning administrator determines that the sign lighting affects neighboring properties, roof signs shall not be illuminated overnight, from midnight until 6:00 a.m.
- g) Roof signs with dynamic display are prohibited.

[Note: Original staff proposal underlined and double-struck. New language has single strike-outs and DOUBLE underlines. Purpose is to accommodate roof signs, subject to a CUP in the B5 zoning district.]

...

Sec. 64.418. Marquees.

Signs may be placed on, attached to or constructed in a marquee. Such signs shall, for the purpose of determining projection, clearance, height and material, be considered a part of and shall meet the requirements for a marquee as specified in ~~chapter 45~~section 3106 of the state building code. No such sign shall project above or beyond the physical dimensions of the marquee, except that one (1) sign less than four (4) square feet in size may be attached underneath for each entrance located under the marquee, provided the sign does not project lower than eight (8) feet above the sidewalk.

[Note: Updates a code reference]

...

Sec. 64.420. Advertising signs.

(a) Advertising signs prohibited. No advertising signs are permitted in any zoning district in the city. ~~The purposes of this prohibition are to enhance views of the natural and built environments of the city, to improve aesthetically the fusion of residential and commercial areas, to promote community pride on the part of property owners, to encourage beautification and investment in the city, to protect property values, and to reduce cluttered and chaotic signage, which draws attention away from the identification signs of businesses and institutions located in the city.~~ Existing legal nonconforming advertising signs that are not electrified, or illuminated by any means, as of October 26, 2005, may not be wired for electrification or illumination.

- (1) ~~Advertising signs which are not electrified, or illuminated by any means, as of October 26, 2005, may not be wired for electrification or illumination.~~

- (b) *Professional sports facility.* At a professional sports facility with permanent seating for more than ~~ten-six thousand (10,000)~~ (6,000) spectators and located in a B4-B5 Business or ~~IR-12 Industrial~~ zone, one (1) or two (2) advertising signs are permitted as an accessory use subject to the following standards:
- (1) Advertising signs shall face and be designed to be read by traffic on arterial streets as designated in the comprehensive plan. A facility fronting on one (1) arterial street is permitted to have one (1) advertising sign; a facility fronting on two (2) or more arterial streets is permitted to have two (2) advertising signs.
 - (2) No advertising sign shall be located within three hundred (300) feet of a residential zoning district, house of worship, or school offering general education courses at the elementary, junior high or high school level.
 - (3) No advertising sign shall exceed seven hundred (700) square feet in size.
 - (4) Advertising signs shall be attached to exterior walls of the sports facility structure and shall not project above the wall.
 - (5) If the zoning administrator determines that the sign lighting affects neighboring properties, advertising signs shall not be illuminated overnight, either from midnight or from one (1) hour after the end of any professional sports game-facility event, whichever is later, until 6:00 a.m.
 - (6) For signs with dynamic display, the modes of display of messages shall conform to the requirements in section 64.405

[Notes: Deletes redundant language that repeats Sec. 64.101. Intent and purpose of the code. Decreasing the number of spectators to 6,000 accommodates the new municipal ballpark, located in the B5 Business service district downtown, in a manner similar to the Xcel Energy Center, located in the B4 zoning district. Removes reference to the IR-12 zoning districts.]

Sec. 64.421. Sports facility sponsorship signs.

Sports facility sponsorship signs are permitted, without regard to zoning district, as accessory uses at the following places: golf courses; hockey rinks at McMurray Field; ~~Midway Stadium~~ the municipal ballpark; baseball fields owned or operated under a long-term agreement by an established youth baseball organization such as the Little League, Babe Ruth, VFW, or American Legion Baseball; and baseball and softball fields at Dunning Field, Rice-Arlington Field, and Arlington-Arkwright Field. Sports facility sponsorship signs are subject to the following required standards:

- (1) Signs at golf courses shall be integrated with the hole identification signs located at tee boxes and the sponsorship component of such signs shall not exceed two (2) square feet.
- (2) Signs at hockey rinks shall be on the interior sides of the hockey boards.
- (3) Signs at baseball and softball fields shall be ~~on the outfield fences or the scoreboard or both and~~ oriented toward the field of play. Such signs shall not exceed twenty-four (24) square feet per sign face, except at ~~Midway Stadium~~ the municipal ballpark where larger signs are permitted because it is an enclosed facility.
- (4) Each sign shall primarily provide identifying information for a sponsor such as name, address, telephone number, or logo; any product advertising shall be incidental and secondary to sponsor identification. However, at ~~Midway Stadium~~ the municipal ballpark, product advertising signs are permitted.
- (5) Signs shall not be illuminated except by the regular sports facility lighting during hours of use.

(6) Signs shall be maintained in good condition.

(7) Signs at facilities owned and managed by Saint Paul Parks and Recreation shall also be subject to general standards for regulating sports facility sponsorship signs.

[Note: This change accommodates the new municipal ballpark, and allows signage as permitted at the existing Midway Stadium, which this ballpark replaces. Reference to Midway Stadium is struck, as that facility is to be demolished.]

...

Sec. 64.422. Bicycle sharing facility sponsorship signs.

Bicycle sharing facility sponsorship signs are permitted, without regard to zoning district, subject to the following required standards:

- a) Each sign shall primarily provide identifying information for a sponsor such as name, address, telephone number, or logo; any product advertising shall be incidental and secondary to sponsor identification.
- b) Signs shall not be illuminated.
- c) Signs shall be maintained in good condition.
- d) Signs shall be an integral part of the bike sharing facility rack.
- e) Signs within the public right of way are subject to, and must first have and maintain, a permit from the designated road authority.

[Note: This change accommodates the bicycle sharing facilities currently managed by Nice Ride and follows the regulations outlined in the Code of Federal Regulations as well as Minnesota State Statute 160.27 Subd. 7.]

Sec. 64.503. T1—T4 traditional neighborhood and OS—BC business districts.

(a) *Business and identification signs:*

- (1) The sum of the gross surface display area in square feet of all business and identification signs on a lot shall not exceed one and one-half (1½) times the lineal feet of lot frontage, or seventy-five (75) square feet, whichever is greater.

[Note: The phrase "and identification" was new in Supplement 80 in 2009, but unintentionally lost when Supplement 83 came out in 2011.]

...

(b) *Temporary signs:*

...

- (5) Temporary window signs, shall cover no more than thirty (30) percent of the store window area, including windows in doors, between four (4) and seven (7) feet above grade and shall not block the view from a public right-of-way into the clerk or cashier station

[Note: Corrects a typographical error]

Sec. 64.504. B2—B3 business and IR industrial districts.

(a) *Business and identification signs:*

...

- (4) The height of signs shall be subject to the conditions specified in section 64.503(a)(34).

[Note: became (4) in Supplement 83, through the TN district amendments.]

...

(b) *Temporary signs:*

...

- (5) Temporary window signs, shall cover no more than thirty (30) percent of the window area, including windows in doors, between four (4) and seven (7) feet above grade and shall not block the view from a public right-of-way into the clerk or cashier station.
- (6) No sign shall project higher than thirty-seven and one-half (37½) feet above grade.

[Note: Corrects a typographical error]

...

Sec. 64.505. B4 – B5 business districts.

...

(b) *Temporary signs.* Except for skyway banners and light pole banners, temporary signs shall be permitted as required in section 64.504(b).

(1) *Skyway banners.* Banners or signs may be affixed to the exterior of skyway bridges provided the following standards are met:

a. The banners serve to promote a legitimate public purpose as established in the written guidelines of the city. These guidelines are developed and updated by a team of city staff from the ~~department of safety and inspections office of license, inspection and environmental protection~~, the department of public works, the city marketing director, and the city planning commission. The guidelines address appropriate banner purposes, sponsors, and applicants;

...

c. The banners meet the size standards of section 64.419(d)(3) and also are not more than three (3) feet (thirty-six (36) inches) in height. Sponsorship identification may occupy up to fifteen (15) per cent of the banner face for any number of sponsors. For events with a business name in the title, the sign area taken up by the business name shall not be included as part of the allowed sponsorship area. ~~Banners currently used by organizations that exceed the height or area standards can continue to be used for up to three (3) years after the effective date of this ordinance, provided they are registered with the office of license, inspection and environmental protection before the effective date of the ordinance. After this period, these banners shall be replaced with signs that conform to the size requirement;~~

[Note: Correcting the name of the department. The three-year grace period has come and gone]

Sec. 64.506. I1—I3 industrial districts.

(a) Business and identification signs:

...

(4) The height of signs shall be subject to the conditions specified in section 64.503(a)(3~~4~~).

~~(5) Electronic message signs are permitted and subject to the conditions specified in the B-2 and B-3 districts, section 64.504(a)(5).~~

[Note: In (4) a new (3) was added to Sec. 64.503 in the TN amendments so old (3) becomes (4). In (5), these, and other, conditions for electronic message signs are now under Sec. 64.400 General Provisions in Sec. 64.405 for "signs with dynamic display."]

...

Article VI. 64.600. Special Sign Districts

Sec. 64.770. Downtown area special district sign plan.

...

- (c) Within the downtown special sign district, no advertising signs shall be permitted except ~~signs on transit shelters and courtesy benches licensed or franchised by the city~~ as permitted in section 64.420(b) for professional sports facilities.

[Note: Advertising signs on transit shelters and courtesy benches are not subject to the requirements of this chapter per language in Sec. 64.103.A. Advertising signs are regulated by section 64.420 (b) for professional sports facilities.]

Part II. Legislative Code

Appendix I. ~~Bus~~Transit Stop Shelter Franchise

Section 1. Grant.

Acting pursuant to the authority granted to the City of Saint Paul by the Minnesota State Legislature pursuant to Minnesota Statutes, Section 160.27, Subdivision 2, the council of the City of Saint Paul does hereby grant to Ad Shelters, Inc. (hereinafter referred to as "company") a nonexclusive ~~bus~~transit stop shelter franchise subject to all the terms and conditions set forth in this franchise ordinance.

(Ord. No. 17237, § 1, 5-9-85; C.F. No. 95-516, § 1, 6-7-95; C.F. No. 05-457, § 1, 6-8-05)

Section 2. Rights and privileges of company.

The franchise granted by the city shall grant to the company the right to place and maintain within the limits of any streets within the City of Saint Paul, for the convenience and comfort of persons waiting for buses at such locations as may be designated by the city in the manner provided herein, ~~bus~~transit shelters with advertising displayed thereon subject to the limits and conditions set forth in this franchise ordinance.

(Ord. No. 17237, § 2, 5-9-85; C.F. No. 95-516, § 2, 6-7-95; C.F. No. 05-457, § 2, 6-8-05)

...

Section 8. Other franchises.

No ~~bus~~transit stop shelters with advertising displayed thereon shall be allowed to occupy or use a right-of-way of any street or highway within the City of Saint Paul without a franchise. This shall not, however, include non-advertising shelters constructed by Metro Transit. The rights hereby granted are not exclusive and the city may grant like rights and responsibilities to other persons during the term of this franchise.

(Ord. No. 17237, § 8, 5-9-85; C.F. No. 95-516, § 8, 6-7-95; C.F. No. 05-457, § 8, 6-8-05)

...

Section 11. Accounts and records.

The company shall keep books of account and records of all business transacted and costs incurred in connection with the purchase, manufacture and installation of the shelters and advertising on shelters, showing all financial transactions including receipts and disbursements and the particulars thereof in a form satisfactory to the director of the department of finance and management services. Company shall make such books of account and records available at all reasonable times for inspection, examination or audit by city officers, employees or agents. Company shall submit such statements in regard to revenues the city's director of the department of finance and management services may reasonably require.

The company shall file annually with the city no later than one hundred twenty (120) days after the end of the company's fiscal year, a copy of a financial report applicable to the Saint Paul ~~Bus~~Transit Shelter System, including an income statement relating to its operations during the fiscal year and a balance sheet, both of which shall be certified as correct by an independent certified public accountant, and a statement of its properties, equipment and facilities which are located upon the streets, highways and public places within the city giving its investment in such facilities on the basis of original cost, less applicable depreciation. These reports shall be certified as correct by an authorized officer of the

company and shall be submitted along with such other reasonable information as the city shall request with respect to the company's facilities and expenses related to its bus stop shelter system operations within the city.

The company shall also file with the city clerk copies of its articles of incorporation, bylaws, agreements with any other person relating to the ownership of the bustransit stop shelter system, and amendments of such documents as they become effective.

(Ord. No. 17237, § 11, 5-9-85; C.F. No. 95-516, § 11, 6-7-95; C.F. No. 05-457, § 11, 6-8-05)

...

Section 13. Indemnification.

A. The company shall fully indemnify, defend and save harmless the city, its officers, board, commissions, employees and agents from any and all claims, suits, actions, liability and judgments for damages (including, but not limited to, expenses for reasonable legal fees and disbursements assumed by the city in connection therewith):

- (1) For injury or death to any person or persons or damage to property arising from or in connection with the acts of the company, its officers, agents or employees in the construction, operation, maintenance, location, placement or removal of any bustransit stop shelter or other facility of the company;
- (2) Arising out of replacement or display of any advertisements, notices, signs or posters on any shelters; or
- (3) Arising out of the exercise of any other right or privilege under the franchise.

(Ord. No. 17237, § 13, 5-9-85; C.F. No. 95-516, § 13, 6-7-95; C.F. No. 05-457, § 13, 6-8-05)

...

Section 17. Removal of shelter.

A. The council may order company to remove any shelter when it reasonably determines that it is no longer of any benefit to the public, when there is no longer a bus stop at the location or when it finds that maintenance is inadequate under Section 20 herein. If the city requires removal of a bus shelter because of relocation of all or part of a bus route, the city shall give the company a reasonable period of time to remove the shelters thereof. If the city requires the removal of more than four (4) bustransit shelters because of the relocation of a bustransit route, the reasonable costs of removing or relocating the shelters may be set off against the franchise fee due the city.

(Ord. No. 17237, § 17, 5-9-85; C.F. No. 95-516, § 17, 6-7-95; C.F. No. 05-457, § 17, 6-8-05)

...

Section 27. [Incorporation in Legislative Code.]

This ordinance shall be deemed a part of the Saint Paul Legislative Code and shall be incorporated therein as Appendix I.

(Ord. No. 17237, § 27, 5-9-85; C.F. No. 95-516, § 27, 6-7-95; C.F. No. 05-457, § 27, 6-8-05)

2014 Minnesota State Statutes

(Source: <https://www.revisor.mn.gov/statutes/?id=160.27>. Accessed 5/20/2014)

160.27 PARTICULAR USES OF RIGHT-OF-WAY

Subd. 2. Benches and shelters.

(a) Benches and shelters for the convenience and comfort of persons waiting for streetcars or buses may be placed and maintained within the limits of any street or highway, including streets and highways within cities, when a license, permit, or franchise therefor is first obtained from the road authority. The owners may place advertising on the benches and shelters if authorized by the license, permit, or franchise, provided that advertising on shelters shall be limited to one-third of the vertical surface of the shelter. The benches shall not be placed or maintained on the portion of the highway or street prepared and maintained for vehicle traffic.

(b) The council of any city may, by public negotiation or bid, grant franchises for the construction, operation, or maintenance of bus shelters and benches on streets and highways within the city. The franchises shall be granted subject to terms and conditions as the city may prescribe, including the payment of compensation to the city. This provision does not preclude the requirement for obtaining permits from the appropriate road authority having jurisdiction for construction within the limits of any trunk highway, county highway, or county state-aid highway.

(c) On streets and highways outside of cities, the road authority may, by public negotiation or bid, grant franchises for the construction, operation, or maintenance of bus shelters and benches on streets and highways within the road authority's jurisdiction. The franchises shall be granted subject to terms and conditions as the road authority may prescribe, including the payment of compensation to the road authority.

Subd. 7. Bicycle racks and bicycle storage facilities.

In cities of the first class, advertisements, public art, and informational signs may be placed and maintained on bicycle racks and bicycle storage facilities, and on any enclosure around them, if (1) a road authority has issued a permit to the city authorizing the bicycle racks and storage facilities to be placed within the right-of-way of a public highway, (2) the city has recommended and the road authority has authorized in the permit the placement of advertisements, public art, and informational signs on the bicycle racks and bicycle storage facilities, and (3) the placement does not create an unsafe situation. Advertisements, public art, and information signs authorized under this subdivision are subject to the terms and conditions imposed by the road authority authorizing their placement.