

**MINUTES
PLANNING COMMISSION MEETING
JANUARY 23, 2020**

The meeting was called to order at 6:32 p.m.

Present: Artner, Denn, Kotilinek, Loes, Swisher; Town Board Liaison: Ruzek;
Planner: Riedesel

Absent: Blin, Flann, without notice.

APPROVAL OF AGENDA (Additions/Deletions): Artner motioned to approve the agenda as submitted. Swisher seconded. Ayes all.

APPROVAL OF MINUTES OF DECEMBER 4, 2019: Artner moved to approve the minutes of December 4, 2019 with the correction on the Clear Channel motion, Kotilinek as the fourth nay, motion still failing. Loes seconded. Ayes all.

SIGN ORDINANCE AMENDMENT – SECTIONS 3-16.7 & 4-1.4 OF ORDINANCE NO. 33 WHICH WOULD PERMIT AN ELECTRONIC BILLBOARD: The Town Planner recapped the previous month's discussion regarding Clear Channel's proposal. Matthew Weiland from Clear Channel was present to discuss their mission with the digital billboard proposal and answer any questions.

Clear Channel is an international company but is based out of northeast Minneapolis. They specialize in marketing on billboards, and over the years billboards have started turning digital. The first city in the metro county to get a digital sign was Minnetonka in 2006. The Federal Highway Administration (FHWA) and the state of MN allow the digital billboards to change every 6 seconds, but Clear Channel's proposal is for 8 slots to change every 8 seconds. Aside from advertisers getting face time on the billboard, the Township would get 20 hours of free time in the rotation per month. Clear Channel partners with municipalities and authorities to get amber alerts, weather alerts, and other important information to drivers quickly.

It was explained that each billboard has ambient light sensors that monitor the conditions around. There was much discussion on this. It was noted that there are webcams that monitor the billboard to ensure it isn't broken or flashing. On page 14 of the packet under "brightness requirements" it lists the operating characteristics that have been set to perform and function like static billboards. "Digital billboards shall not

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operate at brightness levels of more than .3 foot candles above ambient light, as measured using a foot candle meter at a pre-set as measured a horizontal distance of 250 feet from the nominal size 14 feet x 48 feet sign face.”

It was noted that the City of Saint Paul is the only municipality not at the 8 second change rule, it is at every 12 seconds. This was discussed at length: would Clear Channel extend it to 15 or 30 seconds? Weiland stated that the most economical measure of time is 8 seconds and that while it may be negotiable, [it would no longer be profitable, and therefore not of as much interest]. If the Board doesn't approve the 8 second change rule, Clear Channel will opt to just keep it as a static billboard.

There were some questions about the market in other parts of the country regarding the 8 second rule and exact math on the ambient lighting technology. Weiland will give more information to Riedesel.

Kotilinek motioned to add section 3-16.7 – Off premise advertising signs are permitted to have a digital display. The sign face shall not change more than once every 8 seconds. No video or word changes may take place during the 8 second interval. Artner seconded. Ayes: Artner, Kotilinek; nays: Swisher, Loes, Denn. Motion failed.

There was discussion on how to proceed. The Commission decided it would be best to go through the whole process, flush out everyone's input to give to the Town Board so it can best make a decision with all information.

Artner motioned to amend section 4-1.4 – Flashing signs or revolving signs, except those with symbols or numerals indicating time and temperature and word changes, provided the words do not change more frequently than once every eight (8) seconds. Kotilinek seconded. Ayes: Artner, Kotilinek; nays: Swisher, Loes, Denn. Motion failed.

The two major concerns were the timing and ambient lighting. Loes stated she would reconsider if the timing could be lengthened, though she doesn't necessarily agree with digital billboards for distractions and safety implications. Swisher stated that the Township is a unique place, with its location north of the metro area there is a more quiet and dark atmosphere in the evenings other communities don't get. He wants to keep it that way. He has watched other electronic billboards and says that the colors are unnatural and bright. Denn was concerned with the timing and the light level at night. He is concerned with the distraction it poses to drivers.

Kotilinek and Artner were the only ayes. Kotilinek isn't concerned with the timing as a dramatic safety issue and he appreciates the aspect of public service with the amber alerts and weather alerts. Artner appreciates billboards on long drives, but has some concern over light pollution. She inquired of Clear Channel's participation in the dimming of light. There was some discussion of the technological advances Clear Channel's software has taken to allow the lighting to change during day light and

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nighttime hours. Weiland will be in touch with Riedesel regarding numbers and the Board will discuss this agenda item further.

The Commission felt it important to at least have the structure in place for the Board, in case they pass the proposal, regarding an amendment to the statute on ambient lighting. Currently Clear Channel's approach is "Digital billboards shall not operate at brightness levels of more than 0.3 candles above ambient light, as measured using a foot candle meter at a pre-set as measured a horizontal distance of 250 feet from the nominal size 14 ft. x 48 ft. sign face."

Loes motioned to recommend the Town Board have ambient lighting requirements including the maximum allowed, in place as 3-16.8. Artner seconded. Ayes all.

STABLE OF WHITE BEAR TOWNSHIP – REQUEST FOR MAJOR SUBDIVISION & CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT: The Town Planner reviewed this agenda item over the past couple years. The lots have changed a bit and the wetland has increased slightly. The average lot size is 17,597 square feet, for a combined total of 3.35 acres. This change also shifted the trail. A public hearing is required in March, so the Commission can discuss more in February if need be. There was some discussion on zoning. The preliminary plat completed on December 23, 2019 is on page 26 of the packet.

Artner motioned to recommend approval of the preliminary plat as presented on page 26, dated 12/23/2019. Kotilinek seconded. Ayes all.

Artner motioned to approve the Conditional Use Permit for the planned unit development. Swisher seconded. Ayes all.

CUB FOODS – REQUEST FOR RENEWAL OF PERMITTED USE STANDARDS PERMIT TO SELL CHRISTMAS TREES: The Town Planner recapped that Cub Foods is requesting another 3 year Permitted Use Standards permit which would allow PQT Company, a part of Rum River Nursery, to sell Christmas trees from the Cub Foods parking lots. The last permit expired December 31, 2019. The map of the parking lot on page 36 was reviewed by the Commission. There have been no complaints. Kotilinek noted that he had voted for approval 3 years ago. There was some discussion of the plant sale and some other discussion regarding the sale of trees. The Commission decided it may as well save Cub Foods some money and application time.

Artner motioned to approve the Permitted Use Standards permit to sell Christmas Trees during the Christmas season for 5 years, starting November 2020 and ending December 31, 2025. Kotilinek seconded. Ayes all.

OFF-SEASON DOCK & LIFT STORAGE: The Town Planner recapped that there has been no additional information regarding this agenda item. Staff had sent a letter to the BEAA Board which was reviewed. It was noted that there have been very few resident

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contacts on this issue. It was also noted that the best storage practices for docks, etc. will be put on the Town website.

There was some discussion over BEAA Board review verses residents actually receiving the letter. It was decided that the Commission doesn't want to push it, because once an ordinance is developed, it must be enforced. The idea behind waiting is because it was decided that this is not a necessity. The Commission agrees with the suggestions staff drafted on page 42 for the "Best Practices" section of the website, Facebook, *News & Views*, and other sources of communication.

Artner motioned to move forward with the "Best Practices," promoted on the website for residents to adhere to. Kotilinek seconded. Ayes all.

ADDED AGENDA ITEMS: There were no added agenda items.

Kotilinek moved to adjourn the meeting at 7:46 p.m. Artner seconded. Ayes all.

Respectfully Submitted,

Megan R. Cavanaugh
Recording Secretary