

## STAFF REPORT

**Application:** Sign Concept Plan

**Applicant:** Anthony Cole (BYR Properties LLC)

**Agenda Item:** 5(a)

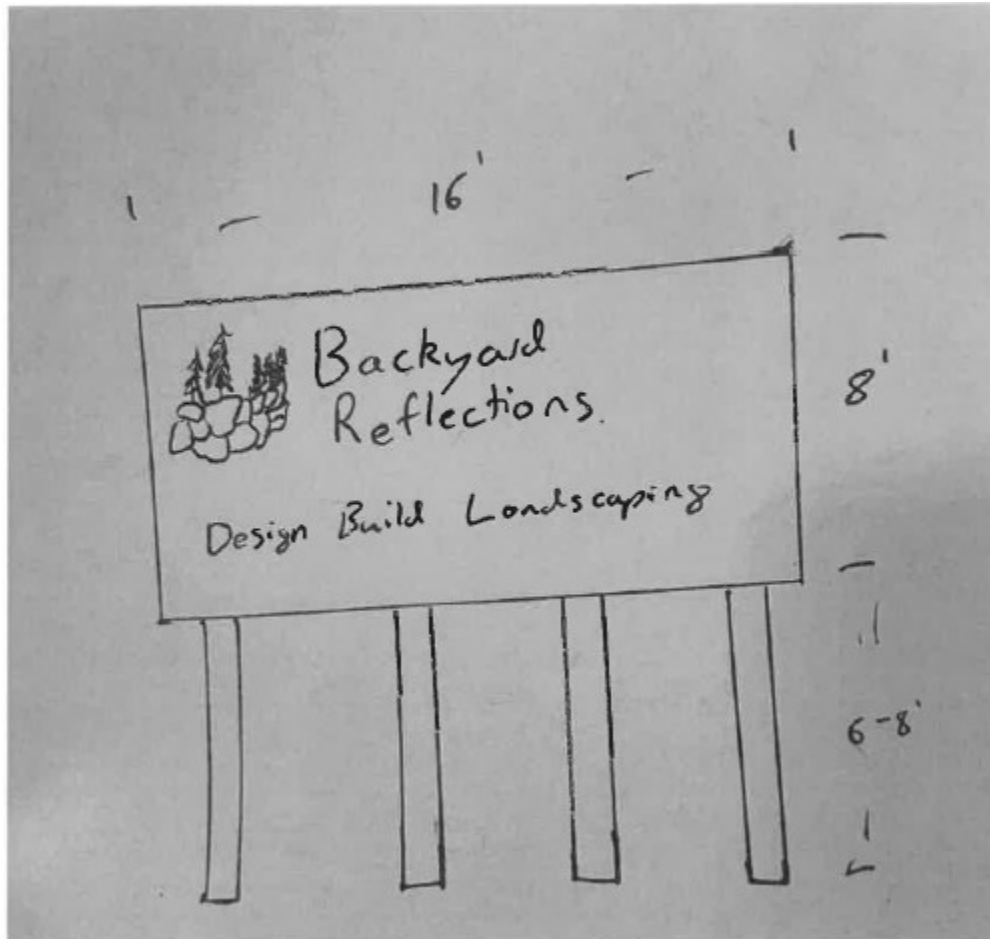
**Background Information:** The applicant is requesting approval of a Sign Concept Plan to seek allowances for signage outside for what is allowed in Section 17-7.1, on the property located at 29276 Patriot Ave; PID 29230509 – “Backyard Reflections”. The subject property is zoned Commercial. The applicant proposes to place a free-standing on-premise identification sign as shown in the provided details for the sign concept plan.

The subject parcel is located on Patriot Ave, North of the 107 & HW 371 intersection:



**Objective:** To present the Sign Concept Plan, as outlined in Section 17-7.1 4 (f) to obtain approval from the Planning Commission to approve a proposed Sign Concept Plan. Subject to review & approval of the Planning Commission with criteria outlined in the above section.

Proposed (abstracted) site plan from the applicant:



Proposed (abstracted) location of the additional signage & existing signage:



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## **Applicable Regulations:**

### Section 17-7.1 SIGNS

1. General.
  - A. Non-maintained signs or signs for discontinued business, or signs that are not structurally sound will be removed after notification by the Zoning Administrator or after discontinuance of the business.
  - B. Placement of signs shall consider protecting sight distance at intersections, driveways and curves.
  - C. All flashing, revolving and intermittently lighted signs, including all digital displays, and all portable signs are prohibited, except as specifically allowed in this section.
  - D. A non-conforming sign may be refaced, removed and replaced for maintenance purposes, however it shall not be increased in size, the support system shall not be improved and the sign shall be removed in it's entirety upon the determination by the Zoning Administrator that the sign is in disrepair or the support system is failing.
  - E. Residential and commercial signs may not contain elements commonly used by highway departments to alert, direct or caution traffic such as, but not limited to, octagonal stop signs or speed limit signs.
  - F. Property owners seeking to display more signs than what are allowed in this section or seeking allowances outside of what is allowed in this section may obtain permission to do so with the approval of a sign concept plan by submitting a sign concept plan for review by the Planning Commission. The sign concept plan shall include all existing and proposed signage for the entire parcel. The Planning Commission shall review the sign concept plan and base its decision on the following
    - (a) Necessity of additional signage
    - (b) Alternatives to additional signage, and
    - (c) Aesthetic impacts.
  - G. No signage shall be allowed to direct any light on to an adjacent parcel of land.

**Section 17-5.10 COMMERCIAL (C)**

1. Purpose and Intent: To provide a zoning classification for commercial uses oriented around the automobile. Parcels are larger than in the Downtown Mixed-Use zone in order to provide on-site parking, on-site stormwater facilities as well as on-site water supply and sewage treatment where municipal utilities are not immediately available.
  
2. Compatibility: The Commercial zone should be established as a transition zone between the Downtown Mixed-Use zone or the Light Industrial Zone and the surrounding residential zones. The zone may not be established in an area where it is completely surrounded by residential zones.
  
3. Lot, Use and Density Requirements.

Lot width– feet, minimum	50
Buildable lot area (sewered) – square feet, minimum	10,000
Buildable lot area (unsewered) – square feet, minimum	20,000
Setback, right of way, City road- feet, minimum	30
Setback, right of way, County or State road, feet, minimum	30
Setback, between buildings – feet, minimum	10
Setback, side next to residential district – feet, minimum	30
Setback, side yard – feet, minimum	10
Setback, rear – feet, minimum	10
Setback, parking from lot line – feet, minimum	10
Setback, sign – feet, minimum	1
Setback, wetland – feet, minimum	30
Setback, unplatted cemetery or archeological site	50
Impervious surface – percent, maximum	50%
Building height – feet, maximum	25
Flag Pole Height – feet, maximum	60
Building above highest groundwater level – feet, minimum	3

4. Performance Standards. The following performance standards apply to all development in this zone:
  - A. Impervious Coverage. Impervious coverage may be increased by up to 10%, not to exceed 60% of the property

if the following is provided and approved by the City:

- (1) A storm water retention plan showing containment of the 10-year, 24-hour storm event on the parcel.
  - (2) Direct runoff of stormwater to adjacent properties and wetlands shall be eliminated through the use of berms, infiltration ponds, swales, filtration strips or other permanent means.
- B. Compatibility of Use. Use shall be compatible with the surrounding neighborhood. Uses shall not present noise, odor, light nuisances or any other nuisances.
- C. Parking. Off-street parking shall be provided as per Section 7.10. On- street parking is not allowed under any circumstances. To reduce the visual impacts and amount of surface parking, shared parking and surface parking shall be located behind or to the side of a building. Additionally, suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks, roads, lots and buildings.
- D. Screening. All sites shall be heavily landscaped to provide 100% screening to adjacent residential parcels and over 50% screening from the road or any non-residential parcel. Percentages shall be determined by amount of structure that can be seen during leaf-on conditions. A landscaping and screening plan must be submitted and approved by the Planning Commission with each conditional use permit.
- E. Lighting. Lighting shall be minimal. Lighting shall be downward directional and shall be compatible with the surrounding development. Lights approved with signs must be turned off at the close of business each day.
- F. Fire Lanes. Fire lanes shall remain unobstructed at all times.

Fences. Fences not exceeding 84 inches in height may be constructed. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited, except where specific approval has been given by the Planning Commission

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**Staff Findings:** Staff provides the following findings of fact for consideration by the Board of Adjustment:

1. The applicant has submitted a a sign concept plan to seek approval for onsite signage that exceeds current maximums within the Commercial zone for onsite signs.
2. The sign concept plan provides the proposal to add a “sign on the building above the door similar to what previous owner had: 4’ x 8’ 32 sf will be on the building flush with the gable end of the wall” for the first additional sign.
3. The sign concept plan provides the proposal to add a freestanding, 16’ x 8’ 128 sq ft sign for the second additional sign on the property.
4. The property identification number is 29230509, Section 23 Township 136 Range 29.
5. The parcel is approximately 2.3 acres, zoned Commercial.
6. Site plans provided have been reviewed by staff.
7. As shown in the Sign Concept Plan, the proposed sign is similar to the existing signage in other municipalities for the business locations outside of the City of Pequot Lakes doing business as “Backyard Reflections”.
8. There have not been any alternatives to the sign request submitted.
9. There will not be any negative aesthetic impacts from the proposed signage.
10. The proposed signage is appropriate within the Commercial district. A Sign Concept Plan approval is required since the applicant is requesting signage not specifically allowed by the Code as an advertising/identification tool.
11. The Comprehensive Plan does not specifically address this request but allows for the use of commercial development within the City.
12. The use of the sign would be compatible with the existing neighborhood in that there are other on-premise identification signs within the immediate vicinity of the property.
13. The proposed use will not impair values nor substantially diminish properties in the immediate vicinity.
14. The proposed sign will not impede the normal and orderly development and improvement of surrounding properties.
15. The proposed sign will not create a cost for additional public facilities or services.
16. The placement of the sign will not create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
17. There is no need for parking with the request of a sign.
18. The requested signage will not create any odor, fumes, dust, noise or vibration.
19. The requested signage will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
20. The proposed use of signs as an identification tool will not cause any pollution to ground or surface waters.

**Planning Commission Direction:** The Planning Commission can approve, deny, or table this Sign Concept Plan.

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**Staff Recommendation:** The approval of a Sign Concept Plan is at the discretion of the Planning Commission. If the Planning Commission approves the concept plan, staff recommends consideration to the following conditions:

1. There shall be no more signage beyond what has been provided in this application placed on this parcel without amending the Sign Concept Plan & obtaining approval from the Planning Commission.
2. All setbacks shall be met for the placement of the proposed sign & property lines must be verified by the owner prior to the approval of a Land Use Permit for the proposed sign.