

**CITY OF COLUMBUS
PUBLIC HEARING
AMENDMENT TO CITY CODE CHAPTER 7B SIGN REGULATIONS, SECTION
7B-310, I-35 CORRIDOR LARGE OFF-PREMISE SIGNS, CONTINUED
08.21.19**

The August 7th, 2019 Continued Public Hearing to consider an amendment to Chapter 7B Sign Regulations, Section 7B-310, I-35 Corridor Large Off-Premises Signs, was called to order at 7:15 p.m. by Chair Ron Hanegraaf at the City Hall. Present were Commission members: Kris King, Pam Wolowski, Barb Bobick and Jody Krebs; City Administrator Elizabeth Mursko; City Planning Technician Ben Gutknecht; and Recording Secretary Rochelle Busch.

Also in attendance were Mayor Jesse Preiner; City Council Members Denny Peterson, Shelly Logren and Janet Hegland; Lloyd and Debra Rehbein, John Young, Frank Walters, Ann Leonard, Dean Wright, Matt Weiland, Mike Hylandsson, Shawn Kupcho, Mark Mullozzi, and Randy Allee.

Hanegraaf: Okay, Elizabeth, we are going to reopen this.

Mursko: You are.

Hanegraaf: Is there any special whoop-de-doo we do here?

Mursko: Nope just number 11, we're going to hold a continued public hearing. And Ben has a few, or some submittals I believe for a public comment. And then you can certainly ask if there's anybody else who would like to speak. As we did have an update or revision I should say, in the ordinance and in addition we have a memo from our attorney addressing issues that were brought up at the last meeting.

Hanegraaf: Okay so Ben should start off then?

Mursko: Yes.

Hanegraaf: Would you, Ben?

Gutknecht: Yes, of course. So, we had, I'll start with the public comment actually.

Gutknecht summarized the attached letters to be recorded into the public hearing minutes.

Gutknecht: We believe, did we speak with Bill about this as well? And this is actually addressed in the memo. The nonconforming use because this is an IUP and an IUP does end, and it isn't a CUP, after then IUP ends its not a nonconforming use it's just not a use that is permitted at all. So, it doesn't really apply to the Nonconforming Use State Statute.

Krebs: They just stay nonconforming until the expiration of their IUP and then they start a fresh IUP.

Gutknecht: And they apply for another IUP, if possible.

King: But the ones that are under CUP's.

Gutknecht: Those would be nonconforming, we would be able to... And in addition to that memo, are some policy questions for the Planning Commission to consider. This is on the same memorandum from our legal here at the City of Columbus. When would we typically allow for a public hearing, or allow people to come after explaining this a little bit or?

Mursko: You know for an ordinance there's generally a presentation, so everyone knows what's going to be discussed. And then we'll open the hearing for discussion.

Gutknecht: Okay, thank you. So, in this ordinance we were asked by our legal and they asked the planning commission to look at certain modifications to the sections we're looking at. The first being the setback, and the policy question being, 'Does the City seek to require billboards converted from static to digital to be relocated 20 feet?' So, in our ordinance we say that if a billboard that is static can be converted to a dynamic billboard, but we don't address whether or not this would have to abide by the 20-foot setback.

Hanegraaf: Do you want us to discuss this? Or wait till the public hearings done and then open our discussion.

Mursko: You're going to take it as an issue, but you can discuss it during the discussion portion.

Hanegraaf: Okay, Thank you.

Gutknecht: The second point would be looking at section 7B 310b, which is the prelude to the issue in IUP in the CR district, the policy question is 'Does the Planning Commission seek to only prohibit new billboards in the CR district, or this proposed modification will preclude existing billboards within the CR district from reapplying for an IUP?' And this language also precludes reapplication for structures in the area proposed for rezoning in the newly proposed mixed-use district. The 3rd point is requiring that brick and stone façade of any new or reissued IUP this will require existing structures to upgrade the brick, as you are aware. And then clarification was added in blue underline for the IUP issuance in regard to the primary use of the lot. Saying 'Notwithstanding the foregoing, any Interim Use Permit which was grated prior to' and we're looking for you during the discussion an effective date that this could be applied to, 'shall be allowed to continue under same conditions of approval until its current Interim Use Permit term expires or until there is a violation of the conditions of the permit, whichever occurs first.' And then the last being the nonresidential use was changed to any use other than single family residents or agricultural use. And the last piece of paper you have regarding the zoning ordinances is the actual amended ordinance version two itself. So, the amendments, or the version two changes that we just discussed, and the policy questions associated with them are

underlined in blue on pages 2, 3, and I believe 4. And that's about the history of where we are. The changes are from the first version that we had where we saw that the setbacks from 20 feet was for any IUP and I believe that we discussed that it should be for new IUP applications and that the static being changed from any billboard that is static should be 750 feet from any other billboard that includes static and dynamic. On page 3, is where we see that any off-premise sign that is operating, should be updated with brick façade and the name of the City of Columbus on the billboard, support and or the sign itself. Same page is where we also see the single-family residence or agriculture, any other use would be the primary use. Therefore, the billboard would have to be removed. And then any interim use permit that is not granted prior to the date set by the planning commission will be allowed to continue. And that is all the changes that the legal team put together for us. So now I believe that we would be able to open this up for discussion. You can discuss the policy questions. Whether or not you agree with them. If you think they should be considered if you adopt the ordinance. And any other issues you saw or hear from the public hearing.

Hanegraaf: Do we open it up to the public first? Has this been publicized? The people that have been writing, the billboard companies, do they get a copy of this already?

Gutknecht: They did.

Hanegraaf: Well, we're going to open up the public hearing right now. Anyone who has an interest in this matter can step forward and present their testimony as evidence in this issue. As I previously stated if you could speak loud and speak into the microphone, I'd appreciate it. Anybody like to step forward?

Weiland: Good evening Chair, Planning Commission. My name is Matthew Weiland, I'm with Clear Channel Outdoor. We office out of 3225 Spring Street in Minneapolis. Thank you, again for the opportunity to speak. We certainly appreciate you listening to some of our concerns and recommendations at the last meeting. And we certainly appreciate that some of those have been included in the new ordinance, specifically with the changes in the setback and allowing additional allowing existing Interim Use Permits to move forward. The only comments that we really have at this point we'd like for your consideration. The main one is the requirement of the brick and the stone on existing Interim Use Permits. Those existing signs or engineered for that and it's a significant expense to do so. We would certainly support adding the brick and stone facades to dynamic signs, new dynamic signs will be new if you convert them. It is reasonable to do it there. That's a different revenue model. You can justify that expense. This is so much difference than an existing static sign. It really would be a communitive requirement, on an existing static sign. But we're certainly supportive of that requirement on a dynamic sign and that's consistent with what most communities require for digital sign. The only other thing that we would ask to you to reconsider was our request for language that would allow existing Interim Use holders to reapply under the conditions granted when they were first adopted. Mainly the issue we have that Ben brought up is if there's an existing business on the property. We certainly understand that a new business gets put on the property is a way to change the permit as your requesting. But if there's already a sign there and there's already an existing business there, allowing those types of situations to continue. I don't think there's a lot of those. But there's enough of them, where that

would certainly be an issue. Those are all were asking. We appreciate the dialogue, appreciate your thoughtful consideration. I did propose language to the city to Ben. It's mainly that for section 16 that requires stone and facades, adding the language dynamic sign to that paragraph so its only applicable to dynamic signs. And then we did add recommended language in that section number 2 interim use permit, permit renewal along on the permits renewed under conditions that existed at the time. So, with that I thank you for your consideration and I'm also available for questions.

Hanegraaf: Yeah, I have a question. Are you trying, are you stating that these static signs have to be removed and new ones put up to put the brick façade on all that up?

Weiland: No. I'm saying that they weren't originally designed or engineered for it. We'll have to look at that as part of it. But because were going back and doing it now, it's a very expensive process to add the brick and stone facades to those columns. It's not financially feasible with the incomes and the revenues are to do so. To go back...

Hanegraaf: You don't have a rough guess of what it costs or?

Weiland: Depends on the size of the column and how high it is. Its 10's of thousands of dollars or more to put on these facades.

Wolowski: What makes it different from the dynamic signs, static signs?

Weiland: Dynamic signs much higher revenue?

Wolowski: Much higher, so it's a height issue?

Weiland: No, it's the revenue. There's just a lot more revenue. Dynamic signs is like having 8 signs in one location. Revenue models is just drastically different, and obviously more revenue you can justify more expense that your putting into your business. Consider it a business. The only thing that I would say about the dynamic sign, comments on your ordinance because it is in there, were looking and 10 years is a tough timeline to put on a digital sign. These are significantly, very expensive to put in. Especially when your putting in the nice columns, and its hard to get 10 years get your, justify your expenses in there. Your amortization your cost over 10 years, we're generally looking for 20 years in a community where were looking to do the digital signs.

Wolowski: So, fancying them up, if you will, is based on the height?

Weiland: No, we justify that because of the revenue source.

King: They make more money off the dynamic than off the static.

Wolowski: Well, I understand that part but I'm wondering where the additional...

King: Their justifying it, in my words, because, interpretation of yours, because they can make more money. Its more feasible for them to invest putting that on a dynamic sign, because they make the money back. Over a shorter period of time. Its going to be a lot longer on static.

Weiland: Exactly, a good interpretation. Its just a business model. But it is easier when you design these upfront when your engineering and the way your going to attach the façade to the sign. That's easier to do at the time your constructing the sign than it is to go back and add it. These are all designed a little bit differently on how you add the facades.

Hanegraaf: Now, Matt, you got how many, 27 of them out there?

Weiland: Yes, good memory.

Hanegraaf: I think it was 27, taking a rough guess.

Weiland: I think it was too. Yes, 27 signs, we have 64 faces.

Hanegraaf: So, would it be that bad if we just said you had to do a certain percentage within 10 years? Closest ones to our exits. I mean I know your going to say no, but.

Weiland: Yeah, you know because then its picking and choosing my favorite land owners. We do own some of the signs in town but most of the stuff we are leasing from our lease holders. We're certainly here to listen. We want to be good community partners. We want to, we've established ourselves here, we'd like to stay established. So, we're willing to continue to listen. We certainly believe in structure should be well maintained, they should be painted, grass should be mowed, the site should look great. We're certainly open to doing I think there's certainly more things we could talk about including community messaging, even on our static signs. We've done that for the city in the past. There's a lot of other things we're willing to talk about doing, for sure. The facades stuff is, that's very burdensome and that hasn't been required. I can't think of another community that we've done that in with a static sign. I guess there's just a handful of them.

Hanegraaf: Is it coming to that though? Digital? I mean these dynamic signs, is that what the future holds?

Weiland: Going to the digital?

Hanegraaf: Yeah. Well, dynamic.

Weiland: Yes and no. I mean as more and more kids use cell phones and going to that kind of advertising model, for sure. But there's always going to be a place for what we consider our traditional out of home. There's some advertisers, they don't want to share their space. They like the branding you get from just having your own sign. So, there's always going to be room for both. But certainly, advertisers like the idea of being able to change their message and having the ability to change their message multiple times a day.

Hanegraaf: Are most of your signs if I'm correct, are most of them sitting on 35E more than, well 35 and 35E?

Weiland: Yeah, we have a few down at the split. But most of them are where its combined.

Hanegraaf: But most of them are lined right on 35E, as you leave Hugo and start coming up.

Weiland: Correct.

Hanegraaf: And you go further North too right? I thought I seen some of your logos on some of them up there.

Weiland: Yeah, yeah. No, we just have a few north of here.

Mursko: Mr. Chair I just have a question for Matt.

Hanegraaf: Yes.

Mursko: Matt, is knowing that the billboards are 20 years old that are out there. And as you've said they've been well maintained, and I haven't had any complaints about grass not being mowed or anything of that nature. Do you have a suggestion as to, we are looking at the area? We've had a bridge upgrade, we're looking at identity. And so, I know that the brick facades and the name or identity was important to Columbus. And so, I appreciate the acknowledgement you have done billboard finals for us in the past and that allowed us to use your billboards. But is there something that we could do knowing that their 20 years old. Facelift maybe not brick but something else that you might think of that would further their efforts in looking at the area and making everything look more modern let's say.

Weiland: Certainly. I would love to put some thought how we can come up with that. And we would certainly be open too, if there were specific, as you mentioned Planning Chair, I mean specific locations, that there's a specific gateway area, is something that we could certainly talk about. I mean outside of an ordinance setting. If there was a certain sign or certain locations that you really wanted to look or focus on, were certainly more willing to look at all that. Its certainly time weighted looking at all the structures. I mean their designed to last. But I like your idea Elizabeth, its time for a facelift. There's things we can do. But we do pride ourselves on maintaining and making ourselves look good. We want to look good for the community and as a business we want to look good for our advertisers that pay us to be there.

Hanegraaf: Any questions, Jody?

Krebs: I have a question Mr. Chair. Structurally, what is the base difference between the static and the dynamic signs? Is there a...

Weiland: The columns?

Krebs: Yeah. Nothings different?

Weiland: No. Not really. I mean they're just designed, the digital are designed for greater weight. So, it's all... Every site going to be specifically engineered for where its at based on its height and soil types. So, the columns may be a little thicker to afford heavier sign. And the column designs itself are just s skeleton frame work built around the column. Brick work doesn't add any structural elements its just a skeleton on a column.

Krebs: Right, so whether it be a digital sign or a static sign, that part of it isn't going to matter. Putting the brick or whatever façade on it, isn't going to matter from one to the other.

Weiland: No. No. Its an expense issue.

King: I do have one question too. With the setbacks changing that for any new signs to 20 feet and the question comes up about if you go from static to dynamic. Power requirements based on the two I would assume maybe not, with the LEDs, but I would assume that there's a little more power required for the dynamic? What is the difference? Would you have to put in a new service?

Weiland: That's, its all again designs on what's close and what's nearby. There really isn't that huge of difference anymore. Its amazing. The technology much like your tv in your Livingroom. From the first generation of these to now. They're a third the weight, a third of the power. They're much more efficient. And they really are energy efficient. It all depends on how far away service is, whether we got to put transformers in.

King: I assume that most of them now have lights.

Weiland: Yeah.

King: So, would you have to upgrade that? That's a hard question to...

Weiland: It all depends on how much is there. For the most part, there isn't a lot we have to do. Or there's power within where we're coming from there's enough power in that line. But sometimes it takes a significant source. It depends on I think, I can't remember if you guys allow one or two faces that's going to be a different in the power requirement. But for the most part there's generally enough power usually anything we've put in we plan for the future anyways. We would've already put in what we thought we would need in the future.

King: So then going with a new setback of 20 feet wouldn't be that big of an inconvenience.

Weiland: No.

Hanegraaf: I got a question Matt, you understand that our ordinance then about dynamic signs and how far apart they have to be. So that if you put one in, you might have to take some down. That's what I'm trying to figure, what's your thoughts on between a static sign and a dynamic sign? I know that the dynamic sign has to be, what 3000.

King: 3750, I think.

Hanegraaf: Yeah, feet apart. I mean coming from a business owner or whatever would you have a dynamic sign sitting next a static sign, 700 feet way?

Weiland: Is the setback requirement the dynamic? Is 3000 between dynamic but 750 to the nearest static sign?

Mursko: Yes.

Hanegraaf: Yes.

Weiland: Yeah, I mean we would do that. We would rather see. We appreciate the spacing on the digital signs. I think, we generally recommend 2500 but at least 2500 or more is very appropriate for digital sign spacing. We're not as concerned about spacing between the digital and existing static signs.

Hanegraaf: I don't even know what I asked there. I just wonder what your thoughts are as a company though, would you take down a static sign if it was 750 feet from a digital one?

Weiland: Not necessarily. It all goes back to a business model it all depends on how those signs are doing. But we wouldn't, if the sign was doing well, that wouldn't be a hinderance to us converting a digital 750 feet away.

Hanegraaf: I don't know how you guys judge how many people are reading that, when they're going down the road. Or how successful that sign is.

Weiland: The main reason is were like any other business, its not too complicated its how much revenue that sign generates. And that's based on how many ads we sell on it. And we subtract our costs. Which mainly, most of our costs are lease costs. Were paying someone to be there. But it all depends on how often we sell the sign. That's what adds the value.

Bobick: I have a question. How many customers are advertising on the digital where as the static you just have one customer?

Weiland: The general model for a digital is what we call 8 slots.

Bobick: 8?

Weiland: Yep, 8. And forgive me I don't know if you're on 8 second flips. So, every 8 seconds, there's a potential for a different advertiser.

Bobick: But wouldn't more beneficial to have more dynamic and get rid of some of the static ones?

Weiland: Definitely at some point. We like having a combination of both. But yeah, they're certainly more valuable.

Hanegraaf: Anybody else have any questions?

Wolowski: Nope.

Hanegraaf: Thank you very much, Matt.

Weiland: Thank you for your consideration.

Hanegraaf: Thank you.

Hylandsson: Hello. I'm Mike Hylandsson, for Schubert and Hoey Outdoor Advertising, 2747 26th Ave South in Minneapolis.

Hanegraaf: Can you get the mic up beside you and speak in it a little louder.

Hylandsson: Is that better?

Hanegraaf: I don't know, is that better in the back? Yep, got the thumbs up.

Hylandsson: Okay. Would you like me to repeat who I am and all that?

Hanegraaf: No.

Hylandsson: No, okay. First, I would just like to say thank you for your time and some of the changes that you made since, in the last 2 weeks. Especially for us, the change to the setback was meaningful in a positive way for us. We have a sign on the east side of freeway. And in the latest version it would affect us in 2 ways still. I don't know if everybody's following along to this or not. I will just go here.

Mursko: Schubert has a billboard sign on the Oxford Addition. Its on the very boarder, southerly border of the last business on the freeway. Its Harold's towing and Forest Lake Trailer is where their billboard is located. And in that area is still zoned commercial, or community retail. Along with the property to the south. It's kind of bisects that property and that's still community retail zoning.

Hylandsson: Yes. Exactly. And so, in the proposal Community Retail is crossed off. In section B under "Commercial or Industrial Zoning". That and under part Where it talks about establishment of any use other than a single-family residence or agricultural, those two changes would, if we would in 2025 when I would be here again applying for a new Interim Use Permit, those changes would not allow an interim use permit for us to be able to go forward. Which would be bad for us. We are a small company, and this is one of our big signs. We have four employees including me. So, it would really be a catastrophe for our business. So, I ask that the city consider making some

small changes, but they would have a big impact for us. Does anybody have any questions about the two changes that I'm referring to?

Hanegraaf: Could you repeat the second? I'm trying to figure out the second one.

Hylandsson: Yeah.

Hanegraaf: You're saying in 2025.

Hylandsson: Oh, that's when our permit, that's when our permit expires.

Mursko: His current permit is a little off...

Hanegraaf: Cycle.

Mursko: The cycle. And that was due to the original sign had storm damage to it, and that was due to a repair. And so it wasn't with the original billboards in the year 1999 and 2000, when they were first established. The billboard that is on this site has been there many more years than 1999. I don't remember when the first one was, I want to say 86.

Hylandsson: I remember it in vivid detail the story. Okay. It will be over really quick. I came here with my application. A gentleman came up and started talking about the sign and how he was so mad about the sign. And it was in his way. It was a different sign than that was there today. It was a different size it was a lot wider. It was 60 feet wide instead of 48. And it was a different construction. It had like 6 I-beam poles. Holding it up, instead of one single column. So, we came to an agreement in the meeting that we would rebuild the sign so it would look like all the other signs in the city. We would take down the old steel structure. I don't know when that was made. And so that's why we have what we have today and then we built that in January of 06.

Hanegraaf: Okay.

Hylandsson: But that second change is in section F, under the interim use permit. I would like to make just one more comment. I don't want to get into, I'm not the person to have any kind of legal arm wrestling match. I believe the cities attorney is wrong. And that's a discussion between those guys about the interim use permit. Maybe you can talk about it, but that's all I can add to it. If the city would be willing to make a couple of minor changes, which could be done in a variety of ways to have the same effect we would be very grateful.

Hanegraaf: Anybody have any questions up here.

King: No.

Bobick: How would we make a change.

Hanegraaf: Why don't you pull your mic down a little bit?

Bobick: How would we make a change just for his sign? I mean we're saying all the others have to be single family residence right, or agricultural.

Hylandsson: Can I answer that? I haven't studied every single sign in Columbus, but similar wording like that was put in the setbacks that would say, "No new signs in the Commercial Retail area" or "No new signs can be put up there are such and such uses in place". Just one way.

Hanegraaf: Anybody else have anything they would like to ask? Pam?

Wolowski: No.

Hanegraaf: Barb? Jody?

Hylandsson: Can I add one more thing?

Hanegraaf: You can have it as long as you want. Just speak into the microphone. I don't think the people in the back can hear you that well.

Hylandsson: Okay, I like the facelift idea. And I'd be happy to participate in talking about what that could mean.

Hanegraaf: Okay.

Hylandsson: Thank you so much for your time.

Hanegraaf: Thank you. Is there anybody else that would like to step forward? Okay, we're going to close the hearing with the right to reopen.

At this time Chair Hanegraaf closed the Public Hearing. Hearing closed at 7:49 p.m.

Respectfully submitted:

Rochelle Busch, Recording Secretary