

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Outfront Media LLC **FILE #** 19-103-405
 2. **APPLICANT:** Outfront Media LLC **HEARING DATE:** December 12, 2019
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Relocation
 4. **LOCATION:** 2516 Wabash Ave, west of Hwy 280
 5. **PIN & LEGAL DESCRIPTION:** 322923220005, WINSTON'S ADDITION, ST. PAUL, PART NLY AND NWLY OF WABASH FRONTAGE RD OF FOL SUBJ TO ESMTS WABASH AVE AS VAC IN B 58 PLANS 38 ADJ AND LOT A ALSO EX N 40 FT MEASURED FROM S L OF HOLLINSHEADS ADD AND EX W 450 FT THE FOL PART OF NW 1/4 OF SEC 32 T 29 R 23 N
 6. **PLANNING DISTRICT:** 12 **PRESENT ZONING:** T4
 7. **ZONING CODE REFERENCE:** §61.601; §62.109(c); §64.301(a); §64.302
 8. **STAFF REPORT DATE:** December 4, 2019 **BY:** Anton Jerve
 9. **DATE RECEIVED:** November 22, 2019 **60-DAY DEADLINE FOR ACTION:** January 21, 2020
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- A. **PURPOSE:** Nonconforming use permit and variance to change the angle of the east-facing billboard face.
- B. **PARCEL SIZE:** 87,991 sq. ft.
- C. **EXISTING LAND USE:** Billboard with two faces.
- D. **SURROUNDING LAND USE:**
 - North: Commercial (T4)
 - East: Transportation (Interstate 280)
 - South: Transportation (Interstate 94)
 - West: Commercial (T4)
- E. **ZONING CODE CITATION:** §62.109(c) authorizes the planning commission to allow relocation of a nonconforming use upon making certain findings. §64.301(a) requires that a nonconforming sign shall not be moved except bring it into conformance with the Zoning Code. §64.302 regulates conversion of nonconforming advertising signs to billboard with dynamic display. §61.601 provides for variances from the strict enforcement of zoning requirements.
- F. **DISTRICT COUNCIL RECOMMENDATION:** The District 12 Council had not commented by the time this report was written.
- G. **FINDINGS:**
 1. The application is for changing the angle of the east-facing billboard face in to convert it to a dynamic display avoid being in the visual field of any residence.
 2. Zoning Code §62.109(d) states: *The planning commission may permit the relocation of a legal nonconforming use if the commission makes the following findings:*
 - (1) *In residential districts, the expansion, or relocation will not result in an increase in the number of dwelling units;* This finding does not apply. It is not in a residential district.
 - (2) *For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district;* This finding does not apply. It is not an expansion of a nonconforming use.
 - (3) *The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood;* This finding is met. The proposed use will be a dynamic display billboard replacing the current static billboard. The new billboard will be angled to have fewer potential visual impacts to residences in the neighborhood.
 - (4) *Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses;* This finding is met. There is no off-street parking required.
 - (5) *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to*

surrounding land use; This finding is met. There is no zoning category that allows billboards as a land use.

- (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 is met. The use is similar in character to the existing use. The new billboard will be angled to have fewer potential visual impacts to residences in the neighborhood. Zoning Code §64.302 includes standards for dynamic display to minimize driver distraction.
- (7) *The use is consistent with the comprehensive plan*. This finding is generally met. The Comprehensive Plan is neutral regarding billboards. Advertising billboards were prohibited in the City of Saint Paul in 2005, per Zoning Code §64.420. This ordinance codified the citywide billboard ban that the many "special sign districts" were close to establishing collectively. The intent of Zoning Code §64.302 is to allow for conversion of a limited number of existing billboards in exchange for removing a greater number of billboards across the city:

Dynamic display technologies can greatly expand the advertising capacity and graphic flexibility of billboards. However, §64.420 prohibits any new advertising signs in the city in order to protect and improve views, aesthetics, community pride and investment, and the visibility of local businesses. One purpose of this chapter is to reduce the number of billboards in the city. The provisions of the present section seek to offer benefits both to the public and to billboard owners. This section allows increased advertising through the addition of dynamic display technologies on existing billboards along certain freeways in exchange for voluntary reductions in the number of billboards in the city.

In this way, this billboard conversion is consistent with the City's long-term goals and policies.

- (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 approved petition is attached to the application.
3. Except in a B4 or B5 zoning district, a legally nonconforming, illuminated billboard may be converted to a billboard with a dynamic display if the following conditions are met:
- (1) *The billboard is located within three hundred thirty (330) feet of I-94 or I-35E north of I-94 and is designed to be read from the highway*. This finding is met. The billboard is approximately 105 feet from I-94.
- (2) *The billboard is at least one (1) mile measured along the freeway from any other billboard with a dynamic display designed to be read by drivers heading in the same direction on the highway*. This finding is met. There are no other dynamic display billboards within one mile directed at westbound drivers on I-94.
- (3) *Only one (1) sign face on a billboard structure is converted*. This finding is met. Only the east-facing billboard face is proposed to be converted.
- (4) *The billboard is not in the visual field of any residence, regardless of municipal boundaries, that is in a residential or TN traditional neighborhood zoning district and has windows which are facing and from which the dynamic display is directly visible. "Visual field" means the cone-shaped area in front of a billboard, drawn on a map, that extends perpendicular from the center of the sign face for one thousand (1,000) feet with a vertex angle of seventy-five (75) degrees and also includes peripheral triangles on both sides of the cone,*

which are delineated by extending the line of the sign face two hundred (200) feet in each direction from its center, and from these two (2) points connecting to the two (2) outer points of the cone. This finding can be met if the nonconforming use permit and variance are approved allowing the angle of the billboard to be adjusted.

- (5) *The owner of the billboard shall apply for and receive a sign permit for the conversion from the city. This finding can be met. This is condition 2 of this permit.*
- (6) *As part of the permit application, the applicant shall agree in writing to remove permanently other existing billboards in the city; for each square foot of dynamic display space being created, six (6) square feet of illuminated billboard faces, or eight (8) square feet of non-illuminated faces shall be removed. Billboards that the applicant owns or controls in residential zoning districts or any other locations designated for billboard removal by resolution of the city council must be taken down before billboards taken down in other areas of the city will be counted toward this removal requirement. Billboards may be counted toward the removal if they have been or will be removed between one (1) year prior to the application and two (2) months following the issuance of the permit. The removals must include the complete removal of the billboard structures including the foundations of any freestanding billboards.*

Prior to approval of the sign permit, the applicant must agree in writing that the city may remove the billboards if the applicant has not done so before the new electronic message sign is put into operation, and the applicant must submit a cash deposit or letter of credit acceptable to the city to pay the city's cost for that removal. The applicant must also agree in writing that the removal of the billboards is done voluntarily and the applicant has no right, under any law, to compensation from any governmental unit for the removed signs.

When a billboard is permanently removed (including the sign or display surface and all elements of the sign structure) for purposes of dynamic display conversion under this section or when a billboard is permanently removed for any other reason, and the owner of the removed billboard surrenders in writing any state and local permits previously issued for the removed billboard, no new sign and/or sign structure permit will be issued for the real property on which the removed billboard was located. This finding can be met. The applicant has agreed in writing to remove the required billboards and will comply with these provisions as part the sign permitting process.

- (7) *If the removed signs are ones for which a state permit is required, the applicant and owners must surrender such permits to the state. The billboard with a dynamic display may not be put into operation until proof is provided to the city that such state permits have been surrendered. This finding can be met. The applicant has agreed in writing to remove the required billboards and will comply with these provisions as part the sign permitting process.*
4. The application requests a variance to adjust the angle of the east-facing billboard. §61.601 of the Zoning Code states that the planning commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:
- (a) *The variance is in harmony with the general purposes and intent of the zoning code. The variance is in harmony with the intent and provisions in the zoning code to allow conversion of a billboard face to dynamic display subject to several conditions, including not being in the visual field of a residence, as defined. The variance is to allow the sign to be shifted slightly to avoid being in the visual field of a residence.*
 - (b) *The variance is consistent with the Comprehensive Plan. This finding is generally met for the reasons stated in Finding 2(7).*

- (c) *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is met. The variance has been requested to make the use comply with the standards for billboards with dynamic display, as stated in Finding 3. This is a reasonable use of the property for the reasons stated in Finding 2(7).
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. Dynamic display billboards have a requirement that they are not in the “visual field” of any residence. This is not a requirement for static billboards. Changing the angle on the sign will allow the new sign to comply with the additional code requirement (see Finding 3(4)).
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* The billboard use is not allowed in the zoning district, but can remain as a nonconforming use. The change in angle will not permit any uses other than the existing nonconforming use.
- (f) *The variance will not alter the essential character of the surrounding area.* Because it is an existing use, and the change in angle will likely be imperceptible to most people, the variance is not anticipated to have any effect on the character of the surrounding area.

H. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the nonconforming use permit and variance to change the angle of the east facing billboard face. subject to the following additional 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. The applicant shall obtain a sign permit for the conversion from the City of Saint Paul.



NONCONFORMING USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex, 25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6583

Zoning Office Use Only

File # 19-103405
Fee Paid \$ _____
Received By / Date _____
Tentative Hearing Date 12/12/19

PD=12

322923220005

APPLICANT

Name OUTFRONT MEDIA LLC
(must have ownership or leasehold interest in the property, contingent included)
Address 901 Marquette Ave, Ste 600 City Minneapolis State MN Zip 55402
Email John.Bodger@OUTFRONTMEDIA.COM Phone 763.251.1954
Name of Owner (if different) _____ Email _____
Contact Person (if different) John Bodger Email _____
Address _____ City _____ State _____ Zip _____

PROPERTY INFO

Address/Location 2516 Wabash Avenue
PIN(s) & Legal Description 32-29-23-22-0005
(attach additional sheet if necessary)
Lot Area 2.02 acres Current Zoning Enc TH

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Zoning Code § 62.109.

- The permit is for: Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
 Change of nonconforming use (para. c)
 Expansion or relocation of nonconforming use (para. d)
 Reestablishment of a nonconforming use vacant for more than one year (para. e)

Present / Past Use Static east facing 14'x48' Billboard
Proposed Use Dynamic Display on east face 14'x48'

SUPPORTING INFORMATION: Demonstrate that each of the requirements in Zoning Code § 62.109 for the type of nonconforming use permit being requested is met. Attach additional sheets if necessary.

Move angle of east sign face on structure to avoid cone of visibility encroaching on residential area to south of I-94, Residential area to north, cone encroaches Apartment building at 1099 feet, requesting variance to 1000 feet



Attachments as required: Site Plan Consent Petition Affidavit

If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Applicant's Signature John Bodger for OUTFRONT Media LLC Date 11-18-2019

11-20-19 [Signature]

CK # 3977
@FC.



July 23, 2019

Ms. Ashley Skarda
Zoning Inspector II
City of St. Paul
Department of Safety and Inspections
375 Jackson St., Suite 220
St. Paul, MN 55101

Dear Ashley,

Please find attached a sign variance application for 2516 Wabash Avenue. This application is for converting an existing illuminated billboard sign face into a digital dynamic display, the sign size is 14'x48' for a total of 672 square feet.

The variance requested is in the "Visual Field" cone of Ordinance Section 64.302 (b) (4). The wide north end of the visual field includes an apartment building at 710-716 Pelham Blvd. at a distance of 1099 feet from the sign. This is over the 1000 feet required extending perpendicular from the center of the sign face. We believe the visual cone should be 1000 feet on all sides, so we are requesting a 99 feet variance to 1000 feet. There is also a warehouse in between the sign and apartment building that blocks the sign visibility.

If approved, OUTFRONT will have to permanently remove other existing billboards in the city; for each square foot of dynamic display space being created, six (6) square feet of illuminated billboard faces, or eight (8) square feet of non-illuminated faces, which equates to 4,032 square feet illuminated or 5,376 square feet non-illuminated, or a combination thereof. We are estimating up to 30 billboard signs to be removed for the credits.

Please contact me on the meeting date and time or if more information is needed. Thank you for your help on this variance.

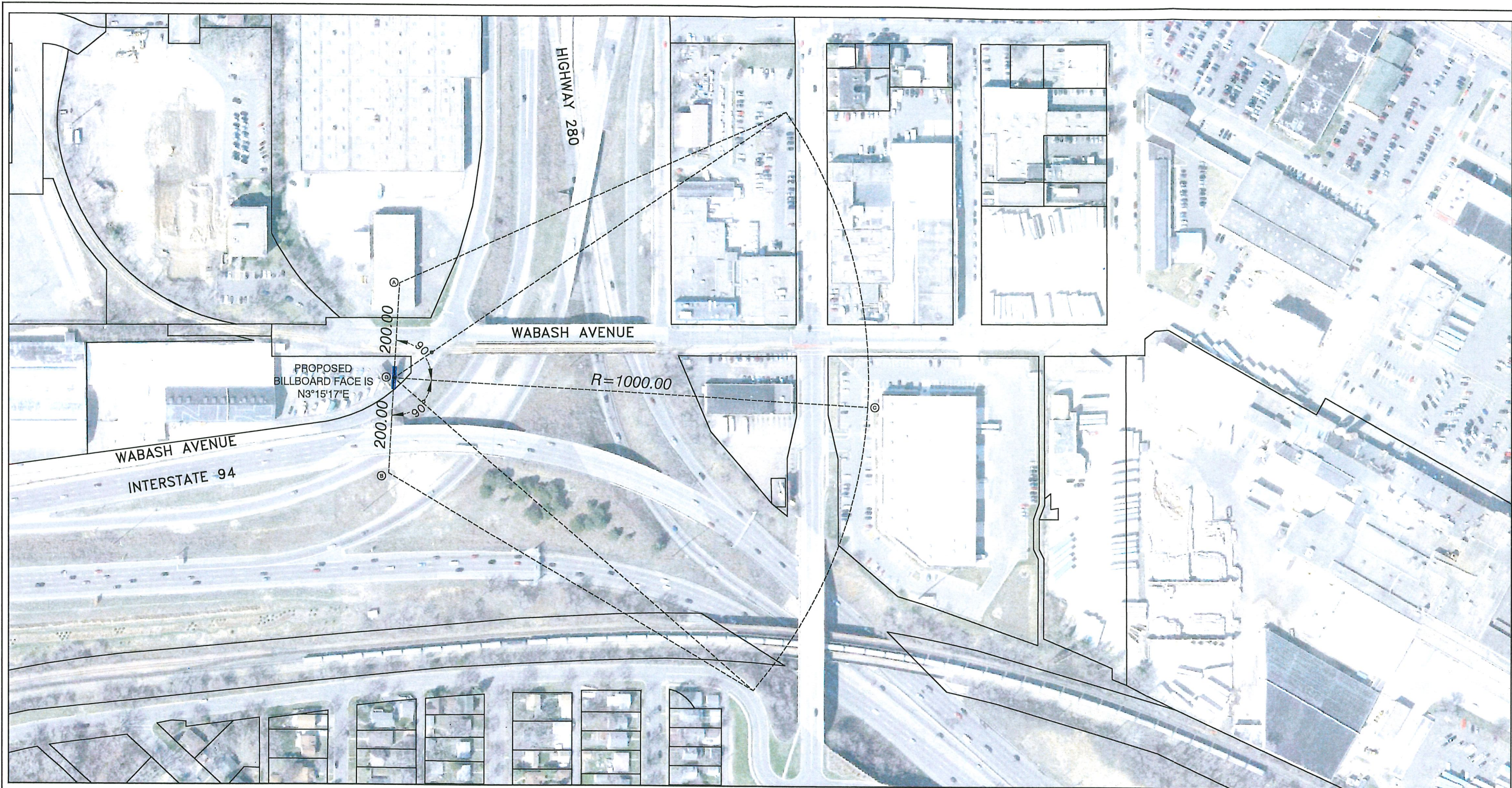
Sincerely, 

John Bodger



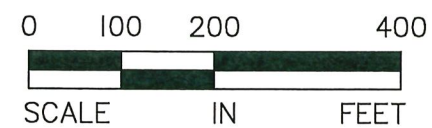
Answers for the Board of Zoning Appeals questions.

1. The visual cone is unusually large on the sides, with the sign visibility mainly in the center of the cone. The center line is a distance of 1000 feet from the sign, the residential apartment building is 1099 feet from the sign on the north side of the visual cone. Our digital sign manufacturer's cone of visibility is included to show the main brightness is in the middle of the display area and not the sides.
2. This variance will not create a hazard, the digital dynamic sign is replacing an existing illuminated sign face.
3. The sign and variance meet the State of Minnesota digital sign requirements. The State allows a digital dynamic to change a message every 6 seconds.
4. The visible adjacent property owner to the east is the State of Minnesota with the I-94 and Highway 280 interchange.
5. The sign will not adversely affect residential property with excessive glare and lighting. In most cases, dynamic displays are not as bright as the current illuminated billboards in the surrounding area.
6. There are numerous existing billboards in the surrounding area so the general character remains the same.
7. This variance is in harmony with the general purpose of the sign code by eliminating existing billboards for credits throughout the city, which could total up to 30 signs to be removed.
8. This is not a new billboard so it meets the comprehensive plan and will eliminate many older signs.
9. It is difficult to find an existing billboard in the city with the large "visible field" used in converting a digital sign face, 1000 feet is very adequate in spacing from a residential area. Illuminated billboards currently exist in this zone and the surrounding area.



CURRENT BILLBOARD FACE: N8°16'32"E

PROPOSED BILLBOARD FACE: N3°15'17"E

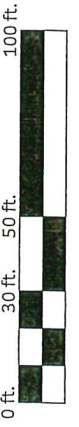
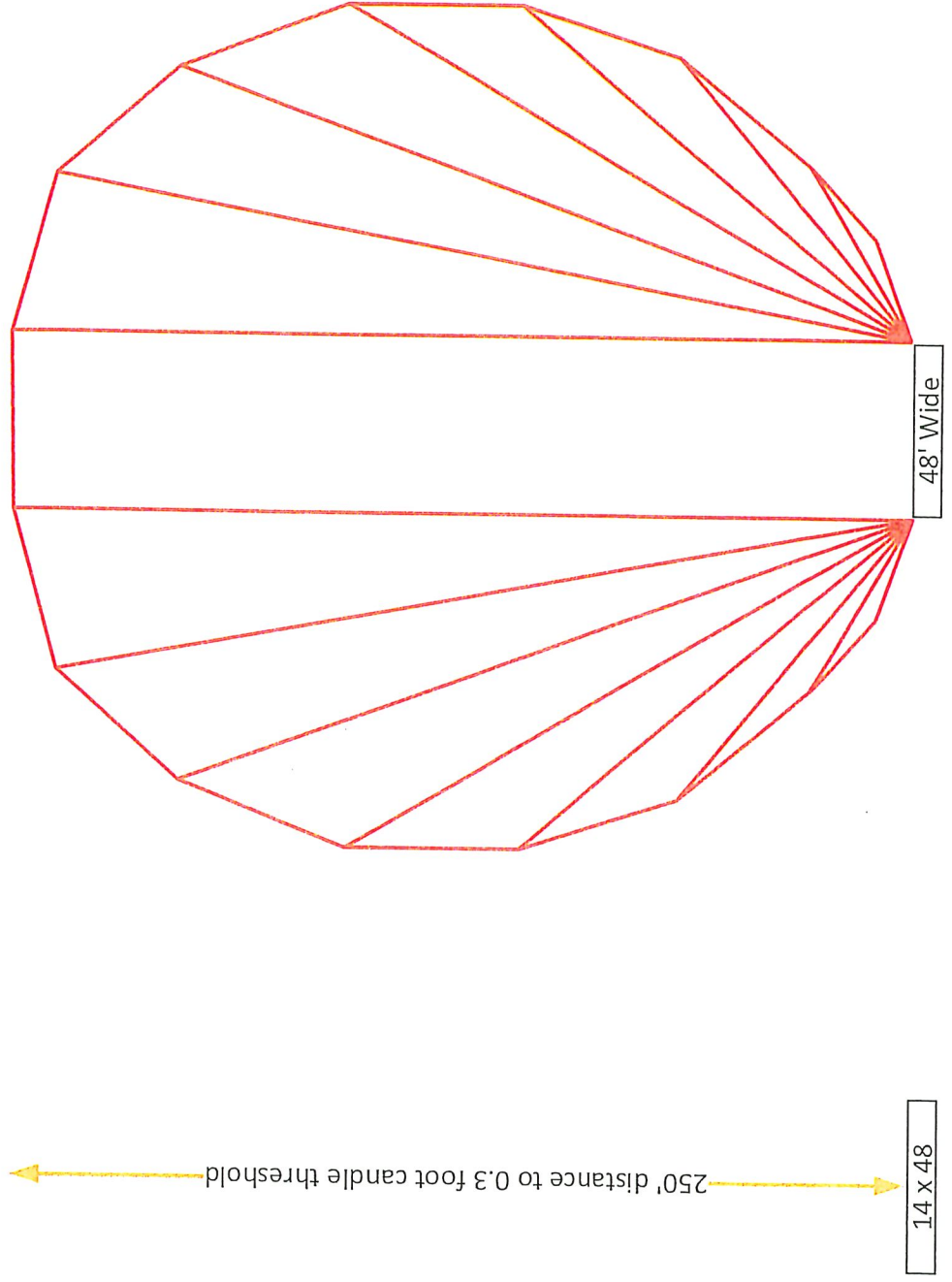


Design File: Billboard_Exhibit	Checked By: MK	I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.	
Scale: 1"=200'	Drawn By: JT		Print Name _____
Date: 12/04/19	JOB # 219-0049		Signature _____ Date _____ License Number _____

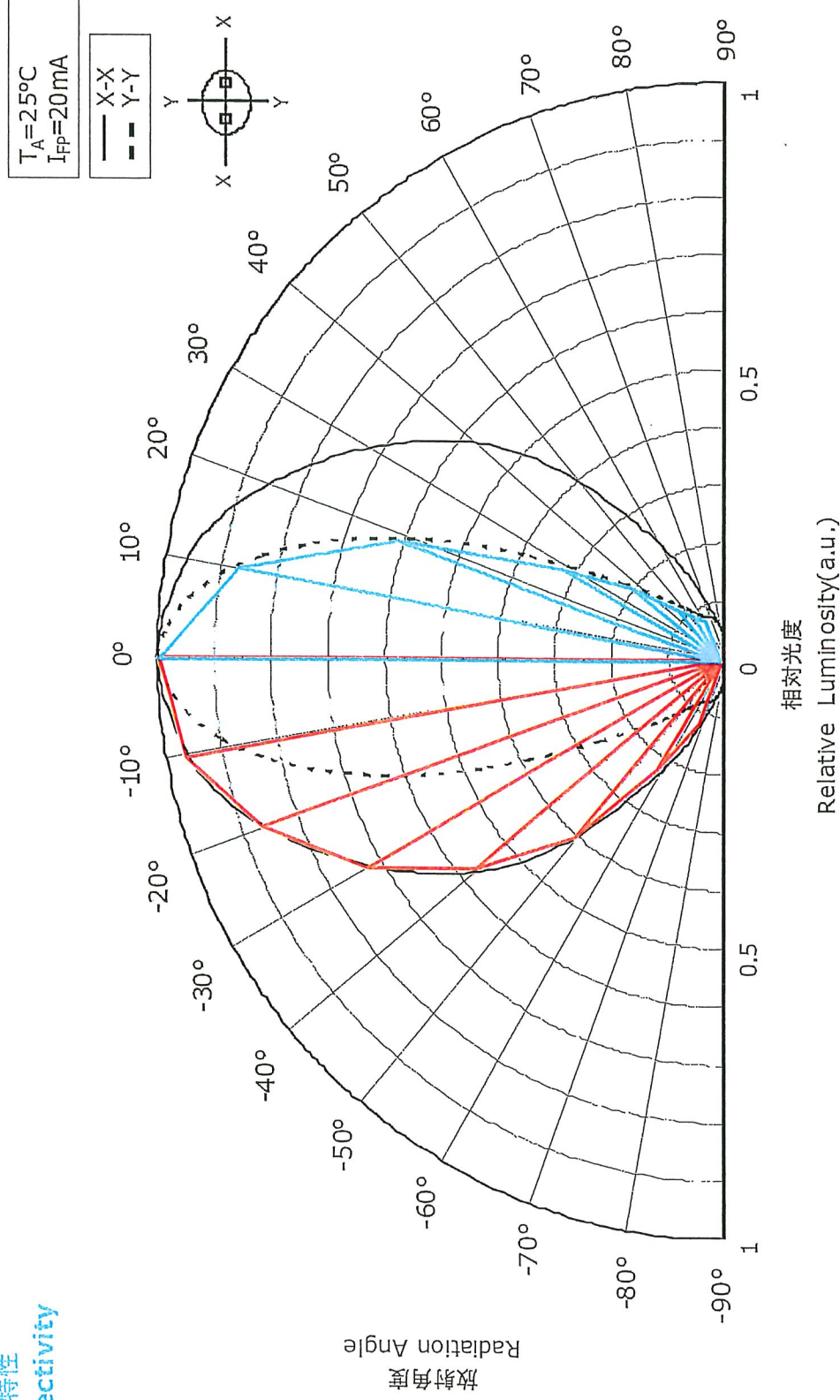
BILLBOARD EXHIBIT
ST. PAUL, MN

Alliant Engineering, Inc.
733 Marquette Ave, Ste 700
Minneapolis, MN 55402
612.758.3080 MAIN
612.758.3099 FAX
www.alliant-inc.com

14 x 48 Horizontal Dispersion (Plan View)



指向特性
Directivity



Nichia NSPX336 FOV 90
 degree horizontal
 45 degree vertical diodes
 with narrow light broadcast
 dispersion.

Horizontal dispersion mapped in red

Vertical dispersion mapped in blue

Per OAAA Lighting Guidelines, a 14 x 48 digital display will not increase the ambient lighting by more than 0.3 foot candles at 250 feet.

In order to increase the ambient light the full .3fc, the display would need to emit a full white frame (copy) at night time brightness settings.

The LEDs are most intense directly perpendicular to their mounted position

The RED boundary shows the distance that the .3fc measurement would be obtained with full white copy.

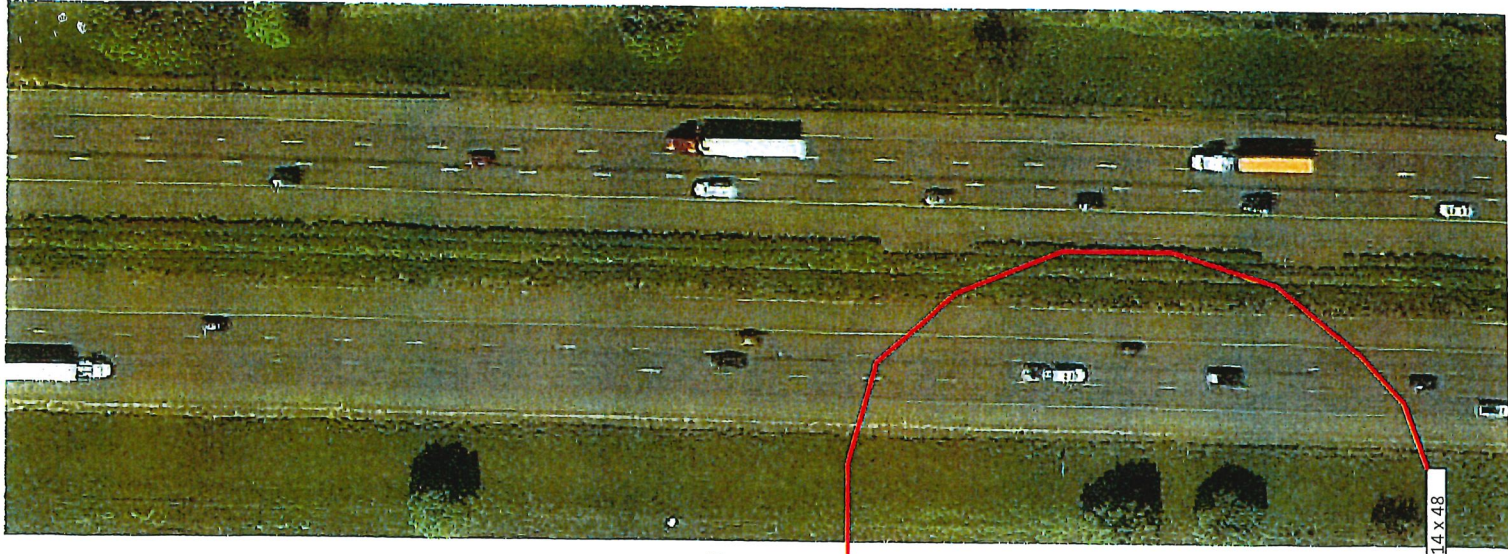
0.3fc @ 250 feet

.3fc limit drops to 217 feet 20 degrees from perpendicular

.3fc limit drops to 143 feet 40 degrees from perpendicular

.3fc limit drops to 56 feet 60 degrees from perpendicular

Remaining off angle brightness drops rapidly to near zero light emission



CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL
USE PERMIT OR A NONCONFORMING USE
PERMIT

STATE OF MINNESOTA)

:SS

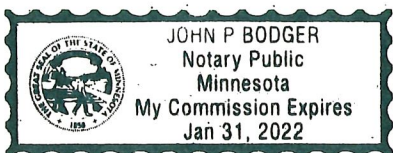
COUNTY OF RAMSEY)

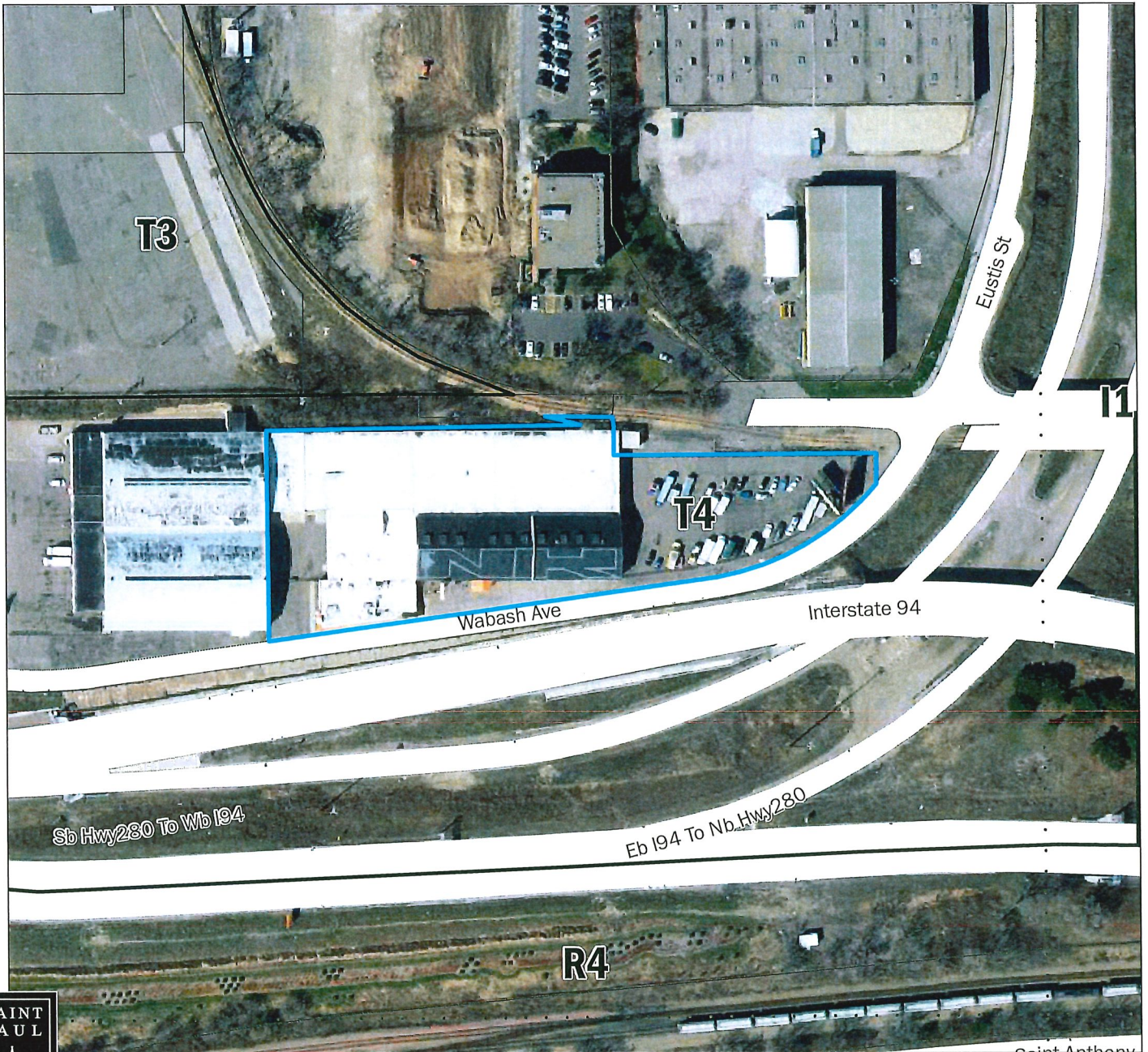
The petitioner, Scott E. Christensen
for Outfront Media LLC, being first duly sworn, deposes and states
that the consent petitioner is informed and believes the parties described on the consent petition
are owners of the parcels of real estate described immediately before each name; each of the
parties described on the consent petition is an owner of property within 100 feet of the subject
property described in the petition; the consent petition contains signatures of owners of at least
two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the
petition; and the consent petition was signed by each said owner and the signatures are the true
and correct signatures of each and all of the parties so described.

Scott E. Christensen
General Manager
X [Signature]
NAME
OUTFRONT MEDIA LLC
901 Marquette Ave., Suite 600
ADDRESS
Minneapolis, MN 55402
763.251.1954
TELEPHONE NUMBER

Subscribed and sworn to before me this
18th day of November, 2019

John P. Bodger
NOTARY PUBLIC





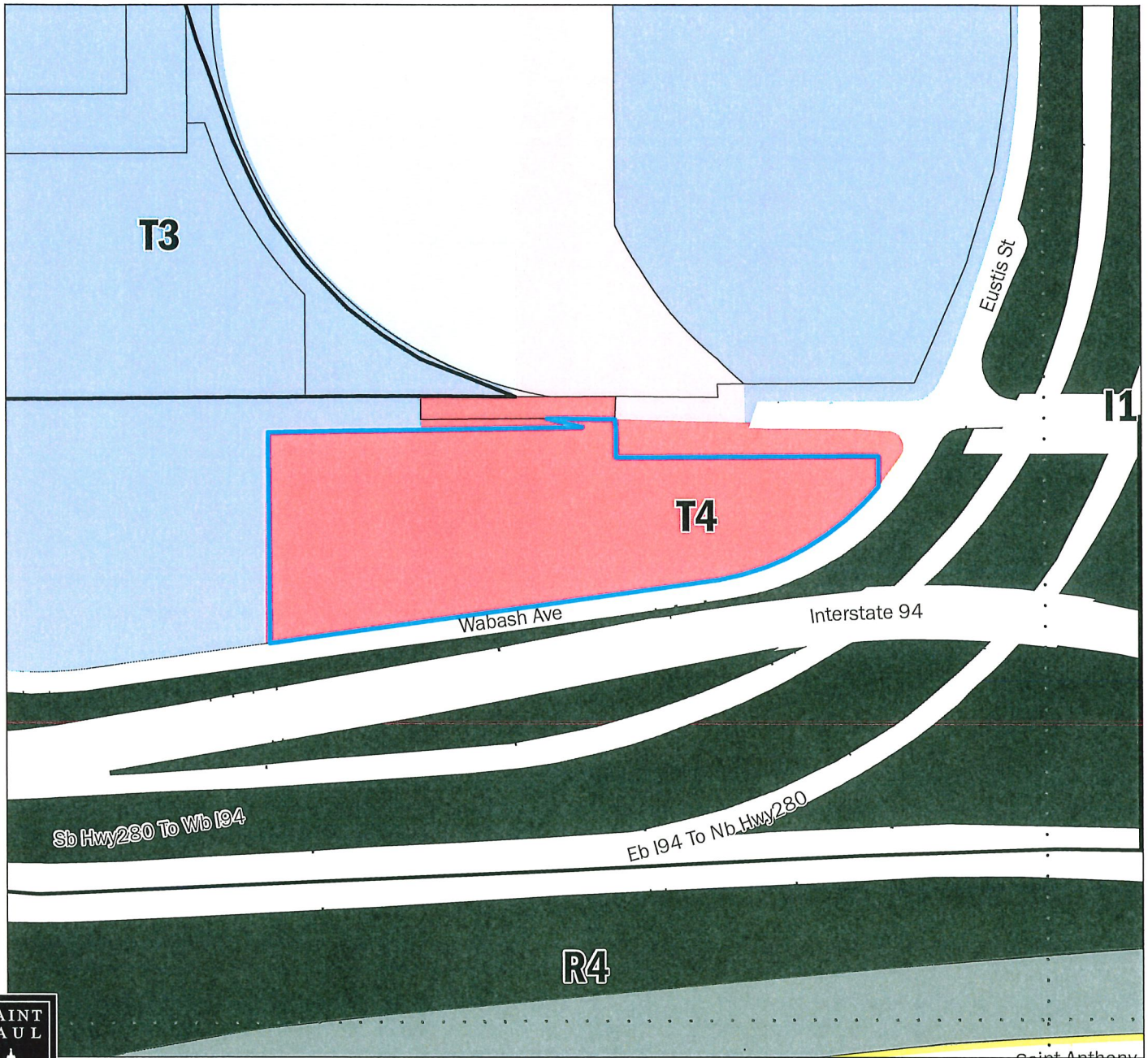
FILE #19-103405 | AERIAL MAP
Application of Outfront Media LLC

Application Type: Chg/Relocaton NCUP w/variance
 Application Date: Novemberf 20th, 2019
 Planning District: 12

Subject Parcel(s) Outlined in Blue



This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.



FILE #19-103405 | EXISTING LAND USE
Application of Outfront Media LLC

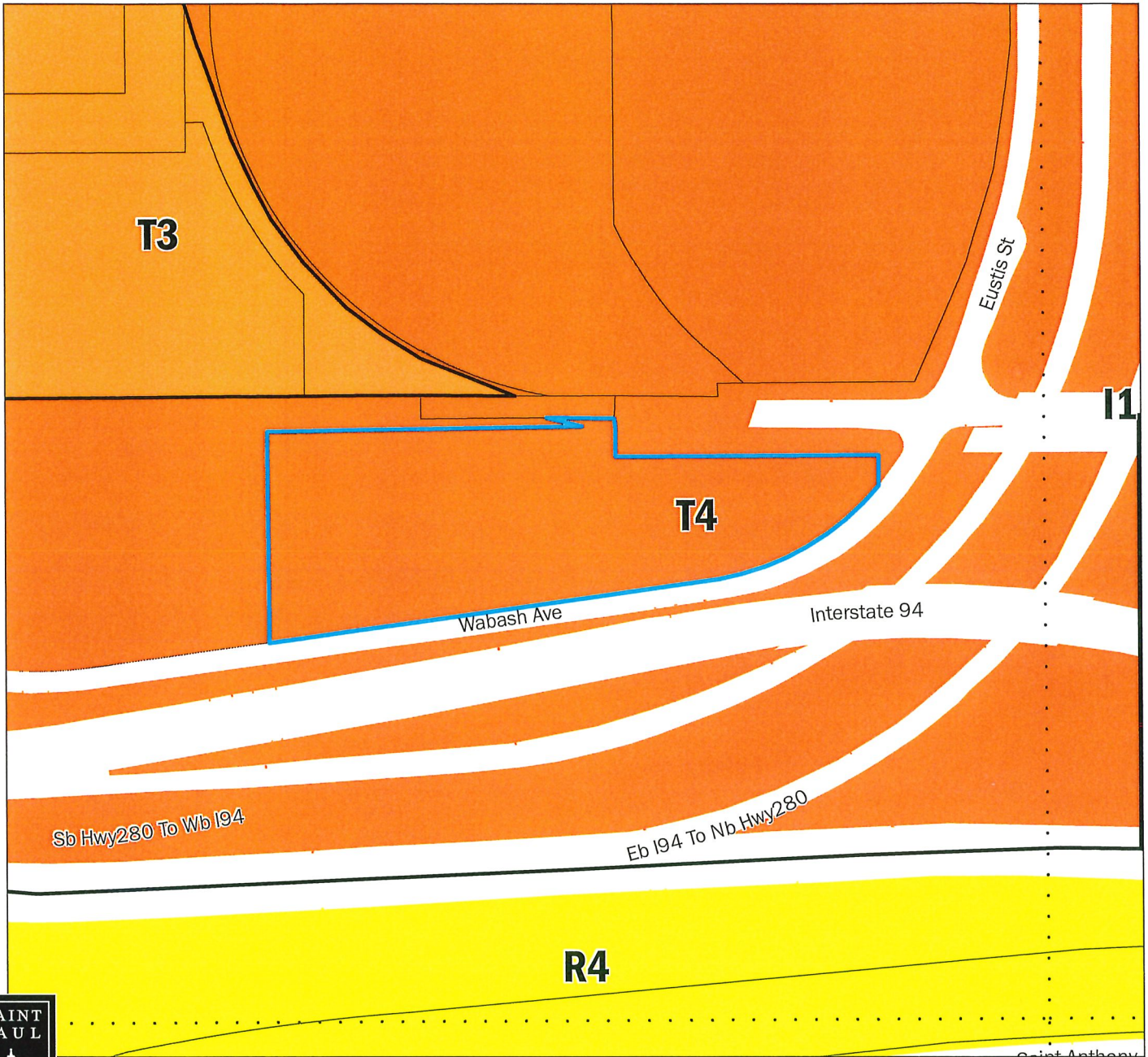
Application Type: Chg/Relocaton NCUP w/variance
 Application Date: November 20th, 2019
 Planning District: 12



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Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| Farmstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural |
| Single Family Detached | Mixed Use Residential | Park, Recreational or Preserve | Undeveloped |
| Manufactured Housing Park | Mixed Use Industrial | Golf Course | Water |
| Single Family Attached | Mixed Use Commercial and Other | Major Highway | |
| Multifamily | Industrial and Utility | Railway | |



FILE #19-103405 | ZONING MAP
Application of Outfront Media LLC

Application Type: Chg/Relocaton NCUP w/variance
 Application Date: Novemberf 20th, 2019
 Planning District: 12



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Subject Parcel(s) Outlined in Blue

RL One-Family Large Lot	RM3 Multiple-Family	BC Community Business (converted)	I3 Restricted Industrial
R1 One-Family	T1 Traditional Neighborhood	B2 Community Business	F1 River Residential
R2 One-Family	T2 Traditional Neighborhood	B3 General Business	F2 Residential Low
R3 One-Family	T3 Traditional Neighborhood	B4 Central Business	F3 Residential Mid
R4 One-Family	T3M T3 with Master Plan	B5 Central Business Service	F4 Residential High
RT1 Two-Family	T4 Traditional Neighborhood	IT Transitional Industrial	F5 Business
RT2 Townhouse	T4M T4 with Master Plan	ITM IT with Master Plan	F6 Gateway
RM1 Multiple-Family	OS Office-Service	I1 Light Industrial	VP Vehicular Parking
RM2 Multiple-Family	B1 Local Business	I2 General Industrial	PD Planned Development
			CA Capitol Area Jurisdiction