

Worksession
June 14, 2010
Municipal Center

Call to Order The Champlin City Council met in a Worksession and was called to order by Acting Mayor Julia Whalen at 5:45 p.m.

Roll Call Present were Acting Mayor Julia Whalen, Councilmembers Eric Johnson, ArMand Nelson and Greg Payer.

Absent: Mayor Mark Uglem.

City Staff Attending: City Administrator Bret Heitkamp (left after Highway Corridor Monument Sign discussion), City Clerk Roberta Colotti, Community Development Director John Cox, Parks Facilities Manager Dan Masloski, City Planner Scott Schulte and City Attorney Darrell Jensen.

Approval of Agenda Motion by Councilmember Payer and seconded by Councilmember Johnson to approve the agenda for the June 14, 2010 Worksession as presented. Voting in favor: Acting Mayor Whalen, Councilmembers Payer, Nelson and Johnson. Voting against: none, whereupon said motion passed this 14th day of June, 2010.

Highway Corridor
Monument Sign – Code
Amendment

The City Planner reported that in commercial districts, monument signs are required to be setback 10 feet from the property line, while allowable heights range from 14 feet to 25 feet depending upon the size of the establishment.

The City Planner stated that a ten-foot setback generally places a sign 25 feet from the traveled roadway, a safe distance given local speed limits. Along segments of the Highway 169 corridor, a ten-foot sign setback places signs 80 feet or more from the roadway. At that distance, a sign's value is limited, particularly given established height limitations and the presence of required site landscaping.

The City Planner stated that in April of this year, Culver's was granted a variance to relocate their monument sign to their front yard adjacent to Highway 169. The sign height was limited to eight-feet and the setback was established at ten-feet, additional design requirements were also placed on the sign approval.

The City Planner stated that contrary to approved plans, Culver's constructed their monument sign two-feet from their property line. Upon inspection, Culver's acknowledged the error and requested the City consider a code amendment to permit the location.

The City Planner stated that consistent with City policy, the sign contractor was required to pay twice the sign permit fee amount as a penalty.

The City Planner reported the following observations regarding the current Culver's sign location:

- The sign is located 77 feet from the nearest travel lane and does not pose public safety concerns; and
- The sign's visibility is improved without aesthetic detriment to the Highway corridor; and
- If the sign were relocated to ten-foot setback it would be partially hidden by existing landscaping required by the site development.

The City Planner stated that while staff does not condone Culver's sign error, reducing the sign setback when the roadway is a considerable distance from the property merits consideration. However, staff would recommend the City establish certain caveats or conditions as part of the code amendment.

The City Planner recommended an application fee of \$1,000 be charged to Culver's to process the request for a code amendment.

The City Planner recommended that the City Council forward a code amendment, to allow monument

signs up to the property line for qualifying establishments, to the Planning Commission for a June 21st public hearing.

The Community Development Director recalled that in 1995 the City had a Task Force draft standards for the Highway District, before development was here. He stated that the Task Force recommended strict standards to the Council with the understanding that they could be amended as development occurred. He stated that the proposed amendment is something that seems to make sense. He stated that this evening staff is not seeking Council approval of the code amendment but approval to place this item on a future Planning Commission agenda for their consideration.

Councilmember Payer stated that the Planner has asked if the Culver's element was removed from the code amendment question, would he approve it and the answer is no.

Councilmember Payer stated that the rest of Culver's building is built exactly to specifications, this sign placement is willful and not an error. It is an attempt to get the Council to change the ordinance.

Councilmember Payer stated that he does not see the other businesses requesting this type of amendment, only GoodYear made a similar request in the past and they now have a sign on the side of their building. He stated that there is no overarching reason or need for a code amendment.

Councilmember Payer stated that the proposed setback does not work for all Highway 169 corridor properties, specifically Target and Champlin Grille (i.e. MoonRock). He questioned what would happen if MNDOT put in similar accelerator or turn lanes along Culver's frontage.

Councilmember Payer stated that this action really irks him and if the Council makes a code amendment it will send the wrong message to the residents and business community. The amendment is unnecessary and not warranted.

Acting Mayor Whalen requested a survey of neighboring cities setback requirements.

The City Planner stated that the City of Ramsey does not have a setback requirement on Highway 10; however their development is more confined by easements than ours.

The City Planner stated that the City of Brooklyn Park has zoned the Highway 169 corridor as a business district with a 15-foot setback; however, they allow pylons so it is a bit different than our requirements.

Acting Mayor Whalen asked the City Planner what the impact would be if MNDOT did install additional lanes as described by Councilmember Payer.

The City Planner stated that if changes were made to the roadway the impact would be limited as the setback is from the roadway not the accelerator or turn lane, otherwise the changes would make the sign non-conforming.

The Community Development Director stated that because the current setback is 70 feet to 77 feet there is not a public safety issue with the Culver's sign.

Councilmember Nelson stated that he does not like the fact that Culver's did not follow the design specifications. He stated that the proposed \$1,000 code amendment processing fee would not cover the costs.

Councilmember Nelson stated that while he does not favor what Culver's did, he does favor having the Planning Commission look at the sign amendment proposal.

Acting Mayor Whalen asked if there was a way to put teeth into the ordinance regarding violations.

The Community Development Director stated that double feeing is typical.

The City Planner noted that there would be a significant cost to Culver's to move the sign.

Councilmember Payer stated that for Culver's the \$1,000 code amendment fee is less than the cost to put in the otherwise required curb and gutter.

Acting Mayor Whalen suggested that the code amendment processing fee should be equal to what it would cost Culver's to move the sign.

The Community Development Director stated that is something the City Attorney would need to review.

Councilmember Johnson stated that when Councilmember Payer says that Culver's willfully installed the sign in the wrong location, the Council is only guessing that is the case, unless they actually said they did.

Councilmember Johnson said that he supports having the Planning Commission review the matter, so that other people will have a chance to review this request. He stated that other areas throughout the City have different setbacks. He said that while it has been said that we would consider an amendment for a business but not a resident, it should be noted that the Council has a request for a setback variance on the City Council agenda this evening. He said the Council should not pre-judge this and should send it onto the Planning Commission for consideration.

Acting Mayor Whalen stated that she would challenge the Community Development Director's earlier statement that the Highway Corridor Task Force intended for the plan to be amended following development.

The Community Development Director clarified that he was meaning to say it was his intent as a part of the Task Force, not that it was a Task Force recommendation.

Councilmember Payer stated that he does not see the benefit to the City of opening the door to more signs. He asked that the Council not ever make us Ramsey as they have a hideous corridor. He noted that Highway 169 is not the primary corridor for the City of Brooklyn Park and that other roadways should be used for comparison.

Councilmember Payer noted that the required landscaping on the Culver's site, limits the sign visibility.

Acting Mayor Whalen stated that she is having a hard time setting aside the issue that brought this up but doing so, she is willing to have the Planning Commission review this item.

Acting Mayor Whalen again asked about the option to have the fines equal to the cost to move the sign.

The City Attorney stated if a fine was established, then if they paid the fine, they would be able to put their sign wherever they want instead of being required to move the sign.

The City Planner stated that a number of code amendments come up as staff tracks variances and notices a need to change the ordinance. While staff has upheld the ordinance in the case of Culver's, they do think an ordinance amendment would be appropriate.

Council Consensus

It was the consensus of the Council to forward the proposed Highway Sign code amendment to the Planning Commission for a public hearing. (Voting in favor: Acting Mayor Whalen, Councilmembers Johnson and Nelson. Voting against: Councilmember Payer.)

Consider Purchase of Real Property

The Parks Facility Manager reported that as part of the Northwest Area Visioning Plan, the City Council expressed a desire to preserve a greenway/trail corridor adjacent to the Elm Creek and create a linear park along Elm Creek. It was the consensus that the City explore the merit of this greenway.

The Parks Facility Manager stated that in the past the City has actively pursued opportunities with willing sellers to purchase land along the Elm Creek. Along with the purchase of real estate along the creek, the City has also been able to work with developers to acquire and develop a trail system adjacent to the creek.

The Parks Facility Manager requested that the City purchase the Hyland property that is scheduled to be available for sale on June 15th. The property is located at 12701 Quaker Lane North and has frontage along Elm Creek in the northwest part of Champlin. The picturesque property is 1.6 acres of mature trees and flowing creek frontage.

Councilmember Johnson stated that he does not have a problem with the purchase of this property; however he does have concern with the overall greenway plan. The Park Fund already has financial concerns and so he questioned how staff could say that fund would pay for the plan.

The Parks Facility Manager said that the Park Fund has a designation for such land purchases.

The Community Development Director suggested that staff could do a search for future grant funds.

Councilmember Johnson asked if EDA funds could be used.

The Community Development Director stated that EDA funds were not eligible for this project.

Councilmember Payer said that he does not see the need to purchase the full parcel, especially when the Park Fund has fiscal constraints. He asked if the City could do an easement instead of a purchase.

Councilmember Payer commented that while staff says the Park Fund will increase to cover the cost of this plan, the City Council will need to come up with the money for the Park Fund.

Acting Mayor Whalen stated that the proposed plan is for a trail, adding that there is limited ability to get properties as required for the trail. She noted that the DNR is requiring stream quality improvements of the City and that may be something the City could control along this property if we owned it.

The Community Development Director stated that it would be possible for the City to buy the property, establish the easements and then re-sell it.

Councilmember Payer stated that according to the staff report the property would be underwater at times, if that was true, then he questioned the value of the property.

Acting Mayor Whalen stated that stream stabilization would also be part of the work that could be done by the City. She stated the property is very pretty as part of a future greenway.

Councilmember Nelson stated that he would favor purchasing the property, obtaining the easements and then re-selling it.

Acting Mayor Whalen stated there is a bridge over the creek at the property.

Councilmember Payer stated that once the City took ownership that would need to be removed.

The Parks Facilities Manager said that the seller has been great to work with and that they have held off on offering the property so the Council could consider this opportunity.

Councilmember Payer said that he would have liked to have had the Finance Director and/or City Administrator present to explain the financials as he understands the Park Fund is in dire straights. He said that in good times he would understand buying this property but the City needs to pass on opportunities in bad times.

The City Planner stated that this property coming for sale, has forced the City to look at the corridor plan for this area.

The Community Development Director encouraged the Council to walk the property as it is very nice and does not have a metro feel, making it ideal for future park land.

Council Consensus

Authorize the purchase of the property located at 12701 Quaker Lane North as presented, including a

lease back option for the current owner of one year followed by a month to month lease, contingent upon financial review by the Finance Director.

Councilmember Payer asked the cost to record the proposed easement(s).

The City Planner estimated the cost to be \$1,500 and the Community Development Director estimated \$2,500.

The Community Development Director stated that if the City is successful in acquiring the property then the Council will need to look at the corridor plan to determine its future use.

Councilmember Payer stated that he would favor turning the property as soon as possible.

The Parks Facility Manger stated that the existing bridge is an old fire department ladder.

Councilmember Johnson confirmed that the City would need to remove the bridge upon taking ownership.

Adjourn

The Champlin City Council adjourned the Worksession at 6:30 p.m.

Mark W. Uglem, Mayor

Attest:

Roberta Colotti, CMC, City Clerk