



Planning Commission Staff Report

To: City of Fergus Falls Planning Commission
Respectfully Submitted: Klara Beck, Community Development Manager
Date: August 19, 2022
Subject: C-2022-5

REQUESTED ACTION

Approve a Conditional Use Permit for an electronic message center to be located within 400 feet of a residential zone at 719 E Vernon Ave.

GENERAL INFORMATION

Applicant	SKATHom Inc DBA Fergus Falls Dairy Queen	Planning Commission Hearing	August 22, 2022
Property Owner	SKATHom Inc DBA Fergus Falls Dairy Queen	City Council Meeting	September 6, 2022
Address	719 E Vernon Ave	Application Date	July 21, 2022
Parcel Number(s)	71001990792001	60-Day Expiration Date	September 19, 2022
Zoning	B-2		

BACKGROUND

Site Information & Current Conditions

719 E Vernon Ave is the site of the Fergus Falls Dairy Queen.

Adjacent Zoning

The B-2 zone in which Dairy Queen is located is abutted to the north by I-2, General Industrial District, and to the south, east, and west by R-2, one & two family residence district. Within the R-2 to the east is a small R-4 district.

Adjacent Uses

To the north are industrial uses. To the west is Burger King and a convenience store/ gas station. Across Vernon is a large park. To the east is housing.

Proposed Project

Shayna Hinnenkamp is the owner of Dairy Queen in Fergus Falls, located at 719 E Vernon Ave. At present, Dairy Queen Fergus Falls' signage is a static message board on a sign pole below the DQ logo. Ms. Hinnenkamp owns at least one other Dairy Queen location in the lakes area whose static signage she recently replaced with an electronic message center. After positive feedback regarding the new signage, Ms. Hinnenkamp has applied for a sign permit to also replace her static signage in Fergus Falls with an electronic message center sign (EMS).

Because Dairy Queen is within 400 feet of a residential district, City Code requires Ms. Hinnenkamp secure a Conditional Use Permit in order to install an EMS.

Public Notification & Comments

A notice of the public hearing was published in the *Daily Journal* on August 13, 2022. A copy of the public hearing notice was mailed to 36 property owners within 350' on August 13, 2022. As of publishing the staff report no public comments were received.

PROPOSED FINDINGS

§154.019(D) of the City Code states the Planning Commission shall recommend a conditional use permit and the Council may issue conditional use permits if it finds that the use at the proposed location meets the following criteria:

1. Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city.

The EMS will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city. The placement of the sign pole on the lot is not directly in line with neighboring residential properties across the street and the lighting of the sign will follow code requirements. **Criteria Met**

2. Will be harmonious with the general and applicable specific objectives of the comprehensive plan and code provisions.

The city does not have a comprehensive plan.

3. Will be designed, constructed, operated and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood.

The area is a business district with signage used on all the lots. Specifically, the large DQ logo signage will not be altered. The EMS will be placed below the static signage, simply replacing the static message board. **Criteria Met**

4. Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools.

The use will not require any public facilities or new infrastructure beside electrical. **Criteria Met**

5. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be hazardous or detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.

The only thing that would be applicable is glare, but the signage will not directly face or abut any dwelling unit. There should be no nuisance to nearby properties. **Criteria Met**

- 6. Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets.
No change to current ingress egress. **Criteria Met**

- 7. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
There is already signage. This is a replacement of current signage with no new areas disturbed. **Criteria Met**

RECOMMENDED ACTION

Based on the above findings, staff recommends **approval with conditions** of CUP-2022-01.
Conditions:

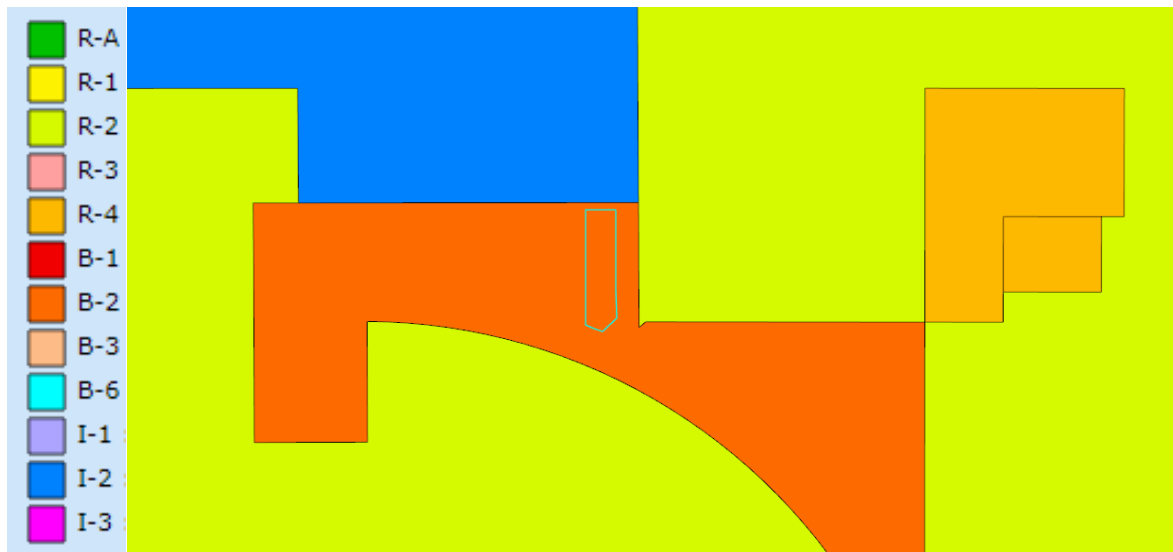
- 1. Must abide by all local and state laws regarding the signage.
- 2. Signage is to be used for onsite advertising only.

ATTACHMENTS

1. Context Map



2. Zoning Map



3. Applicable Code

154.176 GENERAL PROVISIONS.

(3) Guidelines.

- (1) Electronic message center signs shall be permitted in non-residential zoning districts subject to the following limitations.
 - (a) Electronic message center signs may be located within 400 feet of any residential zoning district, by conditional use permit only.
 - (b) One electronic message center sign shall be permitted per property.
 - (c) Electronic message centers shall display their messages for at least six seconds at a time. The messages may display animation and frame effects, so long as flashing, blinking and strobing are not utilized.
 - (d) The use of flashing, blinking and strobing shall be specifically prohibited on all electronic message center signs.
 - (e) The permit fee for staff review shall be established by the City Council.
- (2) Multiple electronic message center signs on a single property may be permitted by obtaining a conditional use permit (CUP) through the city's Planning Commission.
- (3) Electronic message center signs may be located within 400 feet of or within a residential zoning district only upon approval of a conditional use permit (CUP) issued by the city's Planning Commission, subject to the following:
 - (a) The applicant demonstrates that the impact of adjacent residential properties will be minimal in nature;
 - (b) The applicant agrees to turn off the electronic message center sign between the hours of 11:00 p.m. and 6:00 a.m. unless the applicant can demonstrate that the sign in question will not be visible from any residentially-zoned property; and
 - (c) The Planning Commission may require additional restrictions on the usage of the sign so as to minimize potential impacts on adjacent residential properties.

(4) All electronic message center signs, regardless of the zoning district in which they are placed shall come equipped with automatic dimming technology that automatically adjusts the signs brightness in direct correlation with ambient light conditions.

(5) No electronic message center sign shall exceed a brightness level of 0.3 footcandle above ambient light as measured using a foot candle meter at a preset distance depending on sign size. Measuring distance is calculated using the following: the square root of the product of the sign area and 100.

Example using a 12-square-foot sign: $\sqrt{12 \times 100} = 34.6$ feet measuring distance

(6) The use of traffic signal and/or emergency vehicle signal colors may be proscribed on an electronic message center if land use, road proximity or terrain consideration indicate a potential problem

4. Application



112 West Washington Avenue

Fergus Falls, MN 56537

Phone: 218-332-5434

e-mail: planning@ci.fergus-falls.mn.us

www.ci.fergus-falls.mn.us

Conditional Use Permit

Application fee should be made payable to The City of Fergus Falls upon submittal of completed application. Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name: SKThom Inc DBA Fergus Falls Dairy Queen
Last name: Hinnenkamp First name: Shayna
Address: 15325 231st Ave City/State/Zip: Long Prairie MN 56347
Phone number: 309-706-0812 Email address: shayna-thom@hotmail.com

2. Applicant Information: (if different from above)

Company name: _____
Last name: _____ First name: _____
Address: _____ City/State/Zip: _____
Phone number: _____ Email address: _____

3. Address(es) of Property Involved: (if different from above)

719 E. Vernon Ave Fergus Falls MN 56537

4. Zoning Designation: Commercial B-2

5. Statement of Intent: Briefly describe what will be done on or with the property requiring the conditional use approval.

We want to take down the existing reader board on the pole sign with the DC logo and replace it with a digital sign

7. Additional Required Information:

a. Legal Description and PIN: Provide the Parcel Identification Number(s) *Sec -03 Twp-132 Range-043*
Southern ADDN -FF Lot 8 Blk 2 + Vac Vernon Ave (Blvd) ADJ

Complete legal description(s) of the property involved or put "see attached"

b. Proposed Plans: A site plan is required. A landscape plan, grading and drainage plan, and other items may be required by the city/planning commission.

c. Written Narrative: The written narrative should thoroughly address the following general items in addition to any specific requirements pertaining to the proposed use, which Section 154.019 (Conditional Use Permit) of the City Code directs the City Council to evaluate during consideration of conditional use applications:

(1) Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city?

(2) Will be harmonious with the general and applicable specific objectives of the comprehensive plan and code provisions?

(3) Will be designed, constructed, operated and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood?

(4) Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools?

(5) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be hazardous or detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?

(6) Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets?

(7) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?

8. Signature(s): By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: Shayna Hinnenkamp Date: 7/21/22
Applicant: [Signature] Date: 7/21/22

CITY ADMINISTRATOR'S OFFICE
Fergus Falls, Minnesota 56537

Receipt # 226423

Receipt Date August 01, 2022

Received From SKTHOMM INC/DAIRY QUEEN

Amount \$350.00

Fund	Account	Description	Amount
101	32270 000	CONDITIONAL USE/719 E VERNON	350.00

City of Fergus Falls
Received By ROXANN

remove this
sign and replace
with digital sign



Sis'n look
will look
like this





112 Washington Ave W
 Fergus Falls, MN 56537
 Phone: 218-332-5427
 Fax: 218-332-5448
 email: planning@ci.fergus-falls.mn.us
www.ci.fergus-falls.mn.us

Sign Permit Application:

Application To:

- Erect
- Alter
- Excavate*
(if required)

Type of Sign:

- Billboard Static
- Freestanding/Pylon Digital
- Monument
- Wall/Awning
- Portable
- Temporary
- Other: _____

Calculations:

- _____ Property Frontage
- _____ Lineal Footage
- _____ Square Footage of Facade
- _____ Allowable Square Footage
- 2418 square feet Area of Sign (SF)
- _____ Overall Height
- 3' Height of Face
- 6' Width of Face
- _____ Height from Ground to Bottom of Sign
- _____ Square Footage of Existing Sign(s)

Limit - one sign per application

Contact Information

Owner of Sign Shayna Hinnenkamp
 Applicant Shayna Hinnenkamp
 Address 15325 231st Ave Long
 City Long Prairie State MN Zip 56347
 Phone 320-706-0812 Email shayna-thom@hotmail.com
 Applicant Shayna Hinnenkamp
 Contractor Scott Wagar
 License Number Applying for license
 Address 5621 HWY 12 NE
 City Willmar State MN Zip 56201
 Phone (320) 212-8240 Email sewsigns@gmx.com

Property Information

Legal Description Sect -03 Twp-132 Range-043 Southside ADDN FF lot 8 BIK 2 + Vac Vernon Ave (BLVD) ADJ
 Property Zoning Designation Commercial
 Physical Address of Sign 719 E Vernon Ave Fergus Falls MN 56537
 Brief Description of Sign Digital Reader Board

Sign permits shall be valid for six (6) months from date issued.

I understand that failure to provide all requested information on the application is cause for disapproval of the application. I am responsible for the information shown and I certify that, to the best of my knowledge, it is accurate.

[Signature] 7/21/22
 Signature of Property Owner/Lease Holder Date
[Signature] 7/21/22
 Signature of Applicant/Sign Owner Date

Signature of City Approval _____ Date _____

Project # _____ (for office use only)
 Receipt # _____ Received _____