

LA CRESCENT CITY COUNCIL
SPECIAL MEETING
WEDNESDAY, MAY 11, 2022
5:30 P.M.
LA CRESCENT CITY HALL

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. 5:30 – Appeal of variance denial – LAMAR Advertising.
5. 5:45 – Continuation of Board of Appeal meeting from April 25, 2022.
Consideration of appeal of valuation at 705 12th Court North.
6. Adjournment

#4



WIESER LAW OFFICE, P.C.

ATTORNEYS AT LAW
WIESER PROFESSIONAL BUILDING
33 SOUTH WALNUT - SUITE 200
LA CRESCENT, MN 55947

KELLY M. IVERSON
AL "SKIP" WIESER, III

PHONE: (507) 895-8200
FAX: (507) 895-8458

AL WIESER, JR.
Emeritus

TO: Honorable Mayor and City Council Members

CC: Bill Waller, City Administrator

FROM: Skip Wieser, City Attorney

DATE: May 2, 2022

RE: LAMAR Variance Appeal

Handwritten notes: 5/2/22 City Attorney

Attached find a copy of the Index to the Administrative Record regarding the LAMAR sign appeal of a variance denial along with the underlying documents.

The City Planning Commission serving as the Board of Adjustment voted to deny the requested variance. The applicant has filed a Notice of Appeal pursuant to our ordinance to the La Crescent City Council serving as the Zoning Board of Appeals. At the meeting we will review the process for conducting the meeting. The Zoning Board of Appeals can reverse or affirm, in whole or in part, the decision being appealed.

Index of Administrative Record

1. Notice of Public Meeting dated March 23, 2022 (Page 1).
 2. Staff Report prepared by Larry Kirch, Community Development Director (Page 2 to 40).
 3. April 5, 2022 Planning Commission/Board of Equalization Meeting Minutes (Page 41 to 48).
 4. Transcription of part of April 5, 2022 Hearing (Page 49 to 57).
 5. Notice of Appeal dated April 7, 2022 (Page 58).
 6. Copy of Ordinance 531 (Page 59 to 77).
 7. Copy of Sections 12.04 and 12.05 from Zoning Ordinance (Page 78 to 80).
 8. Criteria for Granting Variance (Page 81).
 9. Copy of applicable portions of the 2016 Comprehensive Plan. The full Comprehensive Plan can be found at https://www.cityoflacscent-mn.gov/wp-content/uploads/La-Crescent-Comp-Plan-Full-Plan-except-Maps-2016_8_11.pdf (Page 82 to 85).
 10. Notice of 60 day time extension dated April 8, 2022 (Page 86).
 11. Notice of Public Meeting dated April 27, 2022 (Page 87).
 12. Affidavit of Posting Notice of Public Meeting dated April 27, 2022 (Page 88).
 13. Copy of mailing labels (Page 89).
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14. Supplemental Information Received May 4, 2022 (Page 90 to 100).

**CITY OF LA CRESCENT
NOTICE OF PUBLIC MEETING
VARIANCE APPLICATION**

Notice is hereby given that the Planning Commission of the City Zoning Authority will hold a public meeting at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, April 5th 2022 at 6:00 o'clock P.M. to consider the application for a variance to allow for a spacing of 188 ft. between current off-premise/billboard signs. The current sign ordinance allows for 300 ft. spacing between off-premise/billboard signs.

The variance request concerns certain premises situated in said City described as follows, to wit: more commonly identified as 504 Sycamore Street.

All persons having an interest in the matter will be given the opportunity to be heard with reference thereto.

Dated: March 23rd, 2022

By order of the City Zoning Office

Jason Ludwigson
Sustainability Coordinator
P. O. Box 142
La Crescent, MN 55947

**PLANNING COMMISSION – BOARD OF ADJUST MENT PUBLIC HEARING
VARIANCE REQUEST – 504 SYCAMORE STREET
STAFF REPORT**

MEETING DATE: April 5, 2022

CASE NUMBER: PC-22-02-VAR 504 Sycamore - Variance

OWNER: Howarth Family Living Trust - C/O Linda Bangston
1165 S Archers Way
Nekoosa, WI 54457
(952) 913-0258
Linda.bangston@bankoe.com

PARCEL ID: 25.1160.000

APPLICANT: Lamar Advertising Company
Lamar Advertising of La Crosse (Fairway Funding LLC)
1329 Interchange Place
La Crosse, WI 54603
C/O Mr. Zach Schoh zschoh@lamar.com

REQUEST: 1) Proposed height variance of three (3) feet above Sycamore Street. Twenty (20) feet is maximum height allowed.

2) Proposed spacing variance of 188 feet from another off-premise sign. 300 feet is the minimum spacing distance.

3) ***Note:** The sign code also requires that an off-premise advertising sign be located no closer than 300 feet from an intersection.*

LOCATION: The property is located east of U.S. Highway 14/61 and North Sycamore Street (504 Sycamore Street).

**GENERAL PLAN/
ZONING DESIGNATION:** Shoreland Mixed Use / I Industrial District

SURROUNDING USES: North: Vacant/Right-of-Way;
South: Industrial – Truss Specialists;
East: Soo Line RR;
West: U.S. Highway 14/61 Right-of-Way, North Sycamore Street Right-of-Way.

BACKGROUND

Information provided by the applicant states that there was a 12' X 42' off-premise sign located on the property that was erected on December 1, 1974. This sign was replaced by an off-premise advertising sign that was permitted on February 10, 1977 and erected on February 15, 1977. The 1977 permit stated that the sign was located south of and within 175' of another off-premise sign (also on the same tax parcel). The 1977 off-premise advertising sign permit application states that the sign was a 12' X 48' or 570 square feet in size and double sided. On July 29, 2021, the original sign (two sided with four sign faces) came down during a severe thunderstorm and took down some powerlines and caused a power outage. The off-premise advertising sign is a non-conforming sign per the city's sign code.

PROPOSAL

PC-22-02-VAR is a proposed variance request that includes two variance requests. Variance request #1 is to allow a height of 23' (rather than the maximum of 20') above the centerline of Sycamore Street. Variance request #2 is to allow the erection of an off-premise advertising sign closer than 300' to another off-premise sign. As noted above, a third variance is needed to allow the proposed replacement off-premise advertising sign to be closer than 300 feet from an intersection (N Sycamore and Hillview Blvd. extended and U.S. 14/61).

BUILDING AND ZONING STAFF ANALYSIS

Relationship to Comprehensive Plan:

The subject site is designated by the City's General Plan as "Shoreland Mixed Use." The Comprehensive Plan states that this land use designation *will continue to function as the primary supply of highway-oriented uses while leading to improvements in the appearance and environmental performance of these areas.*

Natural Systems, Open Space and Recreation Element, Goals, Objectives, Strategies:

Goal 2: Public access to and recreational use of parks, bluffs and waterways will be expanded and improved in the La Crescent area.

Objectives:

2.9. Scenic views of the bluffs and wetlands will be enhanced through the removal of billboards.

Transportation and Mobility:

Goal: La Crescent provides a safe, efficient, multi-modal and well-maintained transportation network that balances the needs of all users.

Objectives:

8. Transportation corridors and gateways will be aesthetically attractive and enhance the image of the community.

Strategies:

23. Work with State and County agencies to maintain aesthetically pleasing transportation corridors and gateway entrances with reflect the community's charm and vision. This may include enhanced landscaping, artistic enhancements, clean-up off trash and debris, decorative lighting, improved community signage and removal of billboards.

Land Use and Community Design:

Goal 3: Properties along the State and Federal highway corridors will be improved and redeveloped.

Objectives:

3.3 Billboards will be removed.

City zoning and land use regulations: The City Sign Code provides that certain legal nonconforming off-premise advertising signs may be replaced provided they meet the requirements of the sign code.

§ 152.22 ALLOWED SIGNS—PERMIT REQUIRED.

(A) Central Business District.

(6) Off-premises signs. Off premise or billboard signs shall only be allowed in the Central Business District on a modified "cap and replace" basis as defined in § 152.22(B)(6).

§ 152.22(B) (6) Off-premises signs. Other than division (B)(1) of this section, off-premises or billboard signs shall only be allowed on a modified "cap and replace" basis.

(a) Capitation. As of the date of the adoption of this chapter, a complete inventory of existing off-premise signs shall be prepared. The inventory shall contain information pertaining to the size, height, location, ownership and permit number of the sign. All inventoried signs may remain in place, as legal nonconforming signs, for as long as they are properly maintained and utilized (see § 152.24). No additional signs are allowed. The inventoried signs may not be altered in such a manner as to enhance their size, to raise their height or to change their location.

(b) Replacement. Inventoried signs may be replaced at the end of their useful lives, or earlier if destroyed by circumstances out of the control of the owner of the sign. All replacement signs must meet the sign requirements outlined in division (B)(6)(c) below. Any signs which are allowed to fall into disrepair, or which carry no commercial or public service message for more than six continuous months will be considered abandoned. Abandoned signs are a nuisance, must be removed pursuant to § 152.40 and will not be eligible for replacement.

(c) Requirements for replacement signs. All replacement signs must meet the following requirements, as well as any requirements set forth in regulations promulgated by state or federal governmental agencies.

1. Location.

a. Highway 14/61 (the Pike) from 1,400 feet west of Twilite Street east to the city limits, on the south side of the roadway.

- b. Highway 14/61 from Houston County 6 north to the city limits.
2. Height. Maximum height is 20 feet above the centerline of the adjacent roadway.
3. Size. Maximum sign area is 300 square feet per facing, not to exceed two facings. Double-sided signs shall be attached back to back. Signs connected at one edge, with the two faces forming an interior angle of 30 degrees or less shall be considered to be back to back.
4. Spacing. Three hundred linear feet from any other such sign on either side of the street or roadway. Not closer than 300 linear feet from the intersection of two or more streets or highways as measured from the centerlines of the roadway intersection.
5. Identification. All billboard signs shall have noted on their face the name of the firm, which manufactured the sign, and the sign permit number.

Site Context:

The site consists of one tax parcel and is located between the Sycamore Street right-of-way and the Soo Line RR right-of-way.

Infrastructure Improvements:

N/A

Public Input:

Staff has not received any public comment regarding this application.

FINDINGS OF FACT FOR VARIANCE REQUEST

12.07 VARIANCES Subd. 1. Pursuant to Minn. Stat. Sec. 462.357, Subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Adjustment, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

CRITERIA FOR GRANTING VARIANCE

The City Zoning Ordinance states the following:

A variance is a modification or variation of the provision of this zoning code as applied to a specific piece of property.

Subd. 2.

A. Variances shall only be permitted

1. when they are in harmony with the general purposes and intent of the ordinance, and
2. when the variances are consistent with the comprehensive plan.

- B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

Subd. 3. "Practical difficulties," as used in connection with the granting of a variance, means that

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. The board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. DECISIONS. Following the public meeting or any continuance which is not appealed by the applicant, the Board of Adjustment shall grant or deny the variance upon a decision by a majority of members present. The Board of Adjustment may grant variances from the literal provisions of this Ordinance when the applicant for the variance establishes that there are practical difficulties as defined herein, and when they are in harmony with the general purposes and intent of the Ordinance and when the variances are consistent with the comprehensive plan. The Board of Adjustment may impose any reasonable condition in granting of such variances in order to ensure compliance with this Ordinance or to protect adjacent property. The Board of Adjustment may consider functional and aesthetic issues in order to protect the essential character of the neighborhood. The Board of Adjustment shall accompany its decision to grant or deny a variance with a statement of its findings.

STAFF FINDINGS AND RECOMMENDATION

City staff has reviewed the submitted application, the applicant's response (a thru k) of the application, reviewed the adopted comprehensive plan, and the city's sign code for non-conforming off-premise advertising signs. The variance request has three components, a height variance, a spacing variance from another off-premise advertising sign and a spacing variance from an existing street intersection. The city staff finds that the variance request is not consistent with several stated goals, objectives, and strategies of the comprehensive plan found in the following elements:

- Natural Systems, Open Space and Recreation Element, Goals, Objectives, Strategies
- Transportation and Mobility
- Land Use and Community Design

Variances shall not be permitted when they are not in harmony with the general purposes and intent of the ordinance and when the variances are not consistent with the comprehensive plan. Legal non-conforming signs may be reconstructed if they meet the requirements of the sign code however the applicant is requesting two variances (and actually needs a third variance) and therefore the request is not in harmony with the general purposes and intent of the sign ordinance. If the variance request does not meet these two criteria (harmony and purpose of the ordinance and consistency with the comprehensive plan), then there is no need to evaluate the request to determine if there are "Practical difficulties."

Staff therefore does not recommend approval of the variance request(s).

RECOMMENDED MOTION FOR VARIANCE

I move that the Planning Commission serving as the Board of Adjustment (APPROVE/DENY) case PC-22-02-VAR - 504 Sycamore Street, a request by Mr. Zach Schoh of Lamar Advertising of La Crosse (Fairway Funding LLC) to allow for the replacement of a legal non-conforming off-premise advertising sign located at 504 Sycamore Street (located at Parcel Number 25.1160.000) including three (3) variances; a three (3) foot height variance, a 112 foot spacing variance from another off-premise advertising sign and a 138 foot spacing variance from the requirement to be 300 feet from the intersection of two or more streets or highways.

Statement of Findings:

1)

Conditions:

NOTE: Upon approval or denial of a variance request by the Board of Adjustment, an applicant or other aggrieved party may file an appeal in writing to the City Council within (10) days of the decision, otherwise the decision by the Board of Adjustment becomes final.

Larry Kirch
Prepared by Larry Kirch,
Community Development Director

Attachments:

Exhibit #1 – Application - Variance Request

Exhibit #2 – Houston County Beacon Aerial Map – Parcel Map

Exhibit #3 – Variance Findings Form

Exhibit #4 – Portions of La Crescent Sign Code

Exhibit #1
Houston County Beacon Aerial Map – Parcel Map

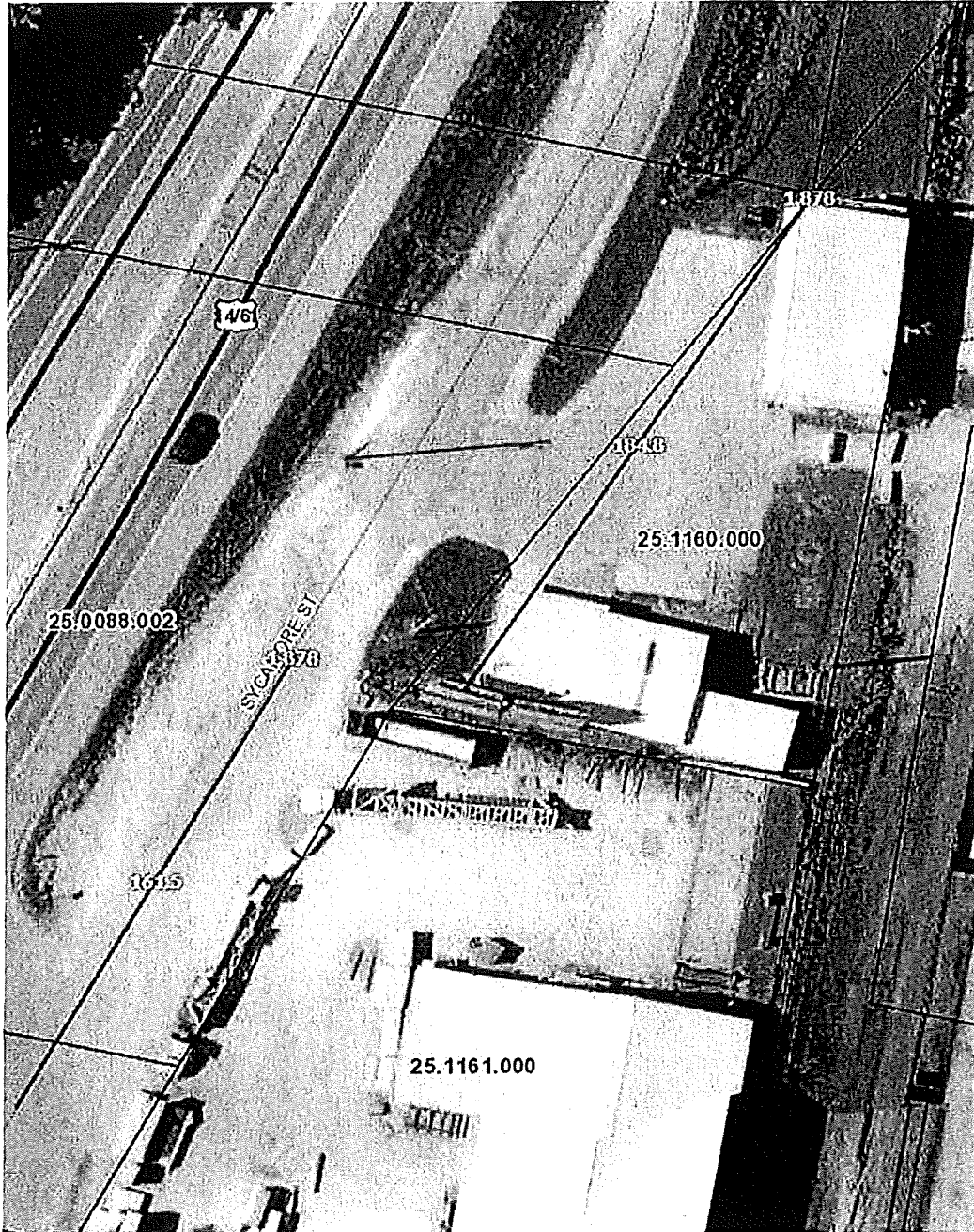




Exhibit #2
Variance Findings Form

1. Is the request in harmony with the general purposes and intent of the ordinance?

The variance is/is not in harmony with the purpose and intent of the zoning ordinance based on the following findings of the Planning Commission because: _____

2. Would granting the variance be consistent with the Comprehensive Plan?

Granting the variance is/is not consistent with the Comprehensive Plan because: _____

Practical Difficulties Analysis

3. Does the property owner propose to use the property in a reasonable manner not permitted by the ordinance?

The property owner does/does not propose to use the property in a reasonable manner not permitted by the ordinance, given the purpose of the protections because: _____

4. Is the plight of the landowner due to circumstances unique to the property owner not created by the landowner?

There are/are no circumstances unique to the property that would prevent compliance with the ordinance because: _____

5. Would granting the variance allow the essential character of the locality to stay the same?

Granting the variance will/will not alter the essential character of the locality because: _____

Exhibit #3
Portions of La Crescent Sign Code

§ 152.22 ALLOWED SIGNS—PERMIT REQUIRED.

The following types of signs must comply with the General Sign Standards outlined above as well as the restrictions outlined below and require a permit from the city (See § 152.41, Permit Process). Electronic message center (dynamic) signage is allowed only in the Commercial/Industrial District.

(A) Central Business District.

(1) Freestanding signs. One on-premise freestanding sign per building, provided that said sign does not exceed 48 square feet in area for a single tenant building or 60 square feet in area for a multiple tenant building. Signs shall not exceed 15 feet in height. Posts or anchoring mechanisms for the sign shall not be located on public property. Front, rear and side back setback requirements for the district must be followed when positioning sign. Posts or anchoring mechanisms for the sign shall not be located on public property.

(2) Wall or fascia signs. Wall signs are permitted on each street frontage provided that the area of all signage on each street or alley frontage does not exceed 25% of the wall area. This limitation is to be applied individually to each street frontage. Additionally, wall signs not exceeding 10% of said wall are permitted on each building frontage abutting a public parking lot accommodating 25 or more cars providing that all land abutting all sides of the parking lot is either public right-of-way or commercially zoned property.

(3) Projecting signs. A projecting sign may not exceed 20 square feet in area, nor may it project more than six feet out from the wall to which it is affixed. No projecting sign shall extend beyond the curb line of any public street or right-of-way. Projecting signs must maintain a minimum clearance between the bottom of the sign and the finished grade of eight and a half feet.

(4) Window signs. Window signs are permitted provided that the area of the signage does not exceed 25% of the window area; and that the total area of all window, wall and fascia signage on the same street frontage does not exceed 25% of the wall area. Windowpanes on entrance doors may not have more than 25% of the gross surface area of the glass pane covered by signage in order to avoid obstructing the view of persons entering and exiting the building.

(5) Canopy or awning signs. Canopy or awning signs shall not exceed 75% of the exterior, viewable surfaces of the canopy or awning. In the case of a canopy or awning that is attached to the building, the area of canopy/awning signage, together with the area of all wall, window and fascia signage on the same street frontage, shall not exceed 25% of the wall area.

(6) Off-premises signs. Off premise or billboard signs shall only be allowed in the Central Business District on a modified "cap and replace" basis as defined in § 152.22(B)(6).

(B) Commercial and Industrial Districts.

(1) Freestanding signs. One on-premises freestanding sign per building is permitted provided said sign does not exceed 150 square feet in area, 25 feet in height, and is not placed

closer than ten feet from any street right-of-way. The freestanding sign described herein may contain off-premises advertising if the freestanding sign complies with the requirements of this provision and the off premises establishment advertised is located on a lot that is immediately adjacent to the lot on which the freestanding sign is located. Front, rear and side back setback requirements for the district must be followed when positioning sign. Posts or anchoring mechanisms for the sign shall not be located on public property.

(2) Projecting signs. Projecting signs are allowed when the sign is to be attached to a building that has a setback of ten feet or less from the street right-of-way. Such projecting signs shall not overhang the right-of-way. A projecting sign may not exceed 24 square feet in area and must maintain a minimum clearance between the bottom of the sign and the finished grade of eight and a half feet.

(3) Wall or fascia signs. Wall signs are permitted on each street or alley frontage provided said signs do not exceed 25% of the wall area. This limitation is to be applied individually to each street frontage. Additionally, wall signs not exceeding 10% of said wall area are permitted on each building frontage abutting a public parking lot accommodating 25 or more cars providing that all land abutting all sides of the parking lot is either public right-of-way or commercially zoned property.

(4) Window signs. Window signs are permitted provided that the area of the signage does not exceed 25% of the window area; and that the total area of all window, wall and fascia signage on the same street frontage does not exceed 25% of the wall area. Windowpanes on entrance doors may not have more than 25% of the gross surface area of the glass pane covered by signage in order to avoid obstructing the view of persons entering and exiting the building.

(5) Canopy or awning signs. Canopy or awning signs shall not exceed 75% of the exterior, viewable surfaces of the canopy or awning. In the case of a canopy or awning that is attached to the building, the area of canopy/awning signage, together with the area of all wall, window and fascia signage on the same street frontage, shall not exceed 25% of the wall area.

(6) Off-premises signs. Other than division (B)(1) of this section, off-premises or billboard signs shall only be allowed on a modified "cap and replace" basis.


(a) Capitulation. As of the date of the adoption of this chapter, a complete inventory of existing off-premise signs shall be prepared. The inventory shall contain information pertaining to the size, height, location, ownership and permit number of the sign. All inventoried signs may remain in place, as legal nonconforming signs, for as long as they are properly maintained and utilized (see § 152.24). No additional signs are allowed. The inventoried signs may not be altered in such a manner as to enhance their size, to raise their height or to change their location.

(b) Replacement. Inventoried signs may be replaced at the end of their useful lives, or earlier if destroyed by circumstances out of the control of the owner of the sign. All replacement signs must meet the sign requirements outlined in division (B)(6)(c) below. Any signs which are allowed to fall into disrepair, or which carry no commercial or public service message for more than six continuous months will be considered abandoned. Abandoned signs are a nuisance, must be removed pursuant to § 152.40 and will not be eligible for replacement.

(c) Requirements for replacement signs. All replacement signs must meet the following requirements, as well as any requirements set forth in regulations promulgated by state or federal governmental agencies.

1. Location
 - a. Highway 14/61 (the Pike) from 1,400 feet west of Twilite Street east to the city limits, on the south side of the roadway.
 - b. Highway 14/61 from Houston County 6 north to the city limits.
2. Height. Maximum height is 20 feet above the centerline of the adjacent roadway.
3. Size. Maximum sign area is 300 square feet per facing, not to exceed two facings. Double-sided signs shall be attached back to back. Signs connected at one edge, with the two faces forming an interior angle of 30 degrees or less shall be considered to be back to back.
4. Spacing. Three hundred linear feet from any other such sign on either side of the street or roadway. Not closer than 300 linear feet from the intersection of two or more streets or highways as measured from the centerlines of the roadway intersection.
5. Identification. All billboard signs shall have noted on their face the name of the firm, which manufactured the sign, and the sign permit number.

Exhibit #4
Application - Variance Request

Number SIGN- 2022- 88627	HOWARTH FAMILY LIVING TRUST C/O LINDA BANGSTON 504 SYCAMORE ST, Houston County PID 251160000 Sign Permit Submitted by Lamar Advertising of La Crosse on 2/24/2022	
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\$99
150.00
fee

Applicant and Property Info [edit] Last updated: 2/24/2022 9:22:10 AM and saved by: Lamar Advertising of La Crosse

Applicant Information

Applicant is: **Other**
 If other applicant, specify: **Owner of the sign structure**

Property Owner Information

Name: **HOWARTH FAMILY LIVING TRUST C/O LINDA BANGSTON**
 Telephone Number: **952-913-0258**
 Email Address: **Linda.Bangston@bankoe.com**

Property Information

Project Address: **504 SYCAMORE ST**
 Building Name (If applicable)
 Tenant Name (If applicable)
 County: **Houston**
 Parcel ID Number: **251160000**
 Legal Description: **Sect-03 Twp-104 Range-004 PT SW1/4 SE1/4 CO-TRUSTEES OF HOWARTH SPECIAL TRUST U/D/T - 07/14/2003 DOC #230562**

Contractor

Company	Lamar Advertising Company
Name	Lamar Advertising of La Crosse (Fairway Funding LLC)
Sign License Number	17961
Address	1329 Interchange Place
City	La Crosse
State	WI
Zip	54603
Email Address	ZSchoh@lamar.com

Engineer/Designer

Company	Productivity Fabricators
Name	Jon Odom
Registration Number (State of MN)	
Address	2332 Flatley Rd
City	Richmond
State	IN
Zip	47374
Email Address	jonodom@cyberprofab.com
	Advertising Sign

Sign Type**Sign Types:**

Advertising Sign: A sign that directs attention to a business, service, event or location not related to or on the premises where the sign is located.

Business Sign: A sign that

2/24/22, 6:04 AM

The Schneider Corporation Building Permit Application

directs attention to a business, service, event, or commodity sold or conducted on the premises where the sign is located.

Valuation

Valuation\$: 35000

Permit Type:
Sign

Advertising Sign [Edit] Last updated: 2/24/2022 9:24:11 AM and saved by: Lamar Advertising of La Crosse

Width (feet): 10

Length (feet): 30

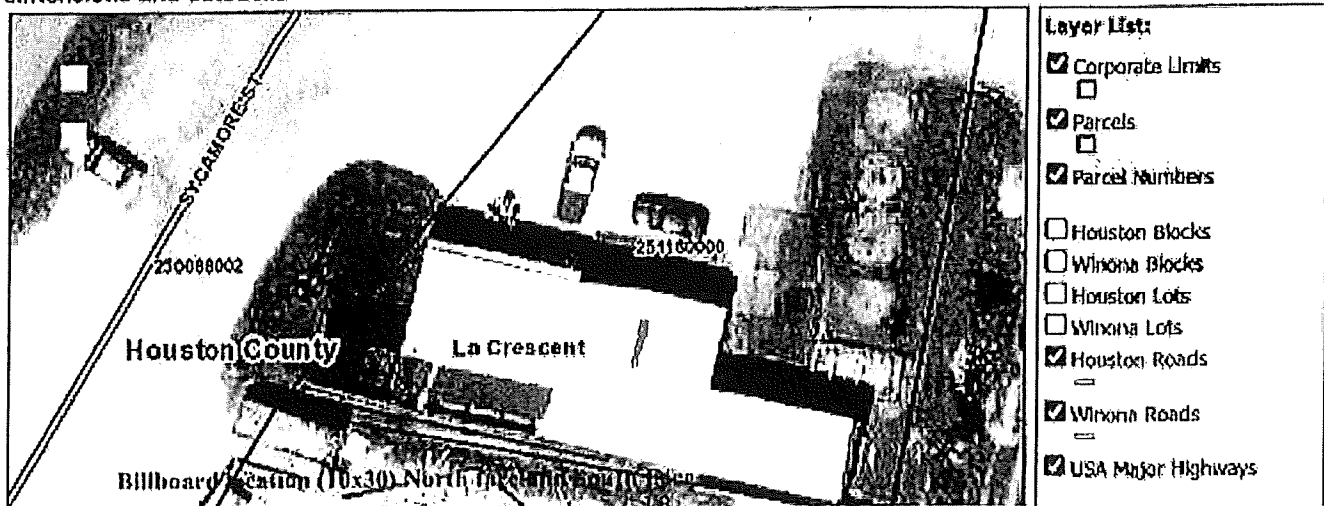
Total Square Feet:
300

Height (feet): 23

Site Plan and Drawings [Edit] Last updated: 2/24/2022 9:35:43 AM and saved by: Lamar Advertising of La Crosse

Site Plan

Sketch location of sign on map showing any dimensions and setbacks



2/24/22, 9:04 AM

The Schnolder Corporation Building Permit Application



- ☒ State Outlines
- ☐
- ☒ County Outlines
- ☐
- ☒ 2017 Imagery

Drawings

Upload any site plans
and/or drawings (if
applicable)

[La Crescent Mock Ups and Pics.pdf \(download\)](#)
[La Crescent Sketch 2.pdf \(download\)](#)

Application Submittal [edit] Last updated: 2/24/2022 9:37:12 AM and saved by: Lamar Advertising of La Crosse

I hereby apply for a sign permit, and I certify that the information submitted is complete and accurate. The work will be in conformance with applicable laws of the State of Minnesota and ordinances of the City of La Crescent. I understand this is not a permit but only an application for a permit and work is not to start without a permit. I certify that the work will be in accordance with all permit conditions and approved plans (in the case of work which requires a review and approval of plans).

Yes

Signature of Applicant

Today's Date
02/24/2022

**Variance Application Requirements
City of La Crescent
LA CRESCENT, MINNESOTA**

The following information must be submitted to the building/zoning department before a variance application can be processed and approved, more detailed information is listed below

Variance Application Form

After a preliminary review, additional information may be required.

Variance Application Form: Application forms are available at the building/zoning department. Complete the form and return it to the building/zoning official with the required fee.

General Information

1. **What is a Variance?** Each district in La Crescent's zoning ordinances include standards related to building setbacks, percent of lot covered, height of buildings, etc. On occasion, a property owner requests a variance or variation to the zoning standards. The variance application procedure is not intended to allow use of land in a manner that is different from what is normally permitted in the zoning district. Rather, the intent of a variance is to provide some flexibility where the strict interpretation of the zoning ordinance would result in an unnecessary practical difficulty. Financial hardship and inconvenience are not grounds for granting approval of an application for variance. Approval of a variance demands time, expense and justification. Please consider designing or redesigning the project to meet all zoning standards before submitting an application for variance.

2. **What is the typical subject matter for consideration in connection with deliberations upon the question as to whether or not a variance should be granted or denied?**
12.07 VARIANCES

Subd. 1. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Adjustment, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

Subd. 2.

A. Variances shall only be permitted

1. When they are in harmony with the general purposes and intent of the ordinance and;
2. When the variances are consistent with the comprehensive plan.

B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

Subd. 3. "Practical difficulties," as used in connection with the granting of a variance, means that:

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties; Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Variances shall be granted for earth sheltered construction as defined in section 214C.06, subdivision 14 of the State Statutes, when in harmony with the ordinance. The Planning Commission, serving as the Board of Adjustment, may not permit as a variance any use that is not permitted under the ordinance for property in the zone where the affected person's land is located. The Board of Adjustment may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

3. What actions help to ensure approval of the application?

- a. Review your project before completing the application to make sure it meets one or more of the criteria shown.
- b. Provide complete and accurate information.
- c. Plan your project so that it is compatible with the surroundings and does not disrupt the neighborhood with undue noise or traffic.
- d. Attend hearings so that you can speak for your project and respond to questions posed.

4. How do I apply for a variance?

- a. Fill out the attached variance application form, sign and date the same.
- b. Make a plot plan or map of the property which shows, at a minimum, all lot lines, existing and proposed structures, driveways and parking areas, significant topographical features and mature trees.
- c. Show evidence of ownership or an interest in the property.
- d. Include the address of the property and the legal description.
- e. List the addresses and owners name of all properties that abut the property.
- f. Include the required fee amount of \$150.00.
- g. Turn all information into the building/zoning official before three weeks prior to a scheduled meeting date, (Planning Commission meets the 1st Tuesday of each month.)
- h. Turn in any other information as required by the City of La Crosse.

5. A sketch drawn to scale must be attached showing:

- a. Lot lines and corner pins;
- b. Dimensions of existing buildings and proposed new construction;
- c. Distances from lot lines to buildings;
- d. All Basements (Utility and drainage)
- e. Utility lines entering the property.
- f. Corner pins must be established and marked by the owner.
- g. Two copies of construction plans must also be submitted

6. When will I have my hearing? You will receive a notice of variance request by mail stating the date, time and place of your variance hearing. (Planning Commission meets the 1st Tuesday of each month.)

7. Why do I need to list my neighbors? All adjoining property owners shall be advised of the variance request 10 days before the scheduled meeting to have a chance to appear at the hearing with comments or objections.
8. Why do I need to pay a fee? The fee is for the cost of the mailings, the recording fee from Houston County and the meeting itself.
9. Why do I need to turn all information into the building/zoning official before three weeks prior to a scheduled meeting date? We need time to check the information, schedule the hearing and prepare all mailings to adjoining properties.
10. Please include a response to each of the following items. Please type or print legibly. If your response does not fit within the available space, please attach additional sheets. If the question does not apply to your situation, respond with "Not Applicable."

a. Please provide a brief description of the project:

Replacement of Inverted Signs at 504 Sycamore St
on parcel 25.1160.000

b. What variance to the Zoning Code are you requesting? What is the reason for your request? Ord. 417, Section VI, # 6, B, Replacement (2 & 4) :

2 = Height - structure would have maximum height of 23' ft from center line of Sycamore St. to clear the roof line to make sign visible

4 = Distance - Structure would be 188 ft. away from another structure

c. Describe specific, unique problems with the property, such as location, surroundings, mature trees, natural obstacles or formations and explain why the improvements you are requesting cannot be made in conformity with Zoning Code stipulations. (Issues of personal hardship such as family size, finances, medical condition should not be considered.)

- Height needs to be 23' feet in order to clear the roof line of the building so it is visible on the south facing side

- Previous structure was in the same location, which is 188 ft. away from a wall panel on the side of the old Code 45 building.

d. Explain why, without the variance, you cannot use your property in the same manner as others in the same zone. Also, explain how the variance will not give you an advantage over others in the same zone.

Previous structure was at the location for 30+ years, and

had a taller maximum height than the new proposed structure.

The location & height would not give any advantage over others

as the Replacement structure would not be as tall as what was previously there, and it will have one single monopole vs. the previous 8 wooden poles

How will completing your project without a variance cause a practical difficulty in planning, design, or construction? (For the purpose of the application, "Practical difficulties," as used in connection with the granting of a variance, means that:

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.

The project cannot be completed without the variance. Height is needed to clear the building, and the spacing between the signs is less than 30 ft. because the replacement location is the same as what was previously there for over 30+ years.

- a. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.)

Previous inventoried sign was destroyed by circumstances out of the control of the owner of the sign (Lanier) by a storm & act of God in the summer of 2021.

- f. What provisions have you made to ensure that the design elements of your project are aesthetically pleasing and harmonious with existing buildings in the area? These design elements include, but are not limited to height, bulk, area openings, breaks in the facade, line and pitch of the roof, materials, arrangements of structures on the property, concealment of mechanic and electrical equipment, etc. Maximum height of 23' feet from center line of Sycamore St with one single, steel monopole giving the structure a safer, stronger, cleaner look.

- g. What provisions have you made to ensure that will not adversely affect property owners in the zoning district particularly those who own adjacent properties, properties on the same block or properties in the immediate neighborhood? Consider the effect on neighboring properties' existing views, privacy, access to direct and indirect light, etc.

Provisions include a strong, single monopole with a height shorter than the previous structure that was in place.

- h. How has your own safety and that of others been considered in your plan? Consider fire codes, points of ingress and egress, flow of pedestrian and vehicular traffic, etc.

Steel monopole provides a strong, structurally sound billboard with a cat-walk for operations team to perform duties of maintenance task and the changing of the vinyls.

- i. Are there exceptional or extraordinary circumstances that apply property which does not generally apply to other properties located within the zoning district? (i.e. atypical lot size or shape, atypical topography or other conditions over which the property owner is unable to control). - **NO** -

• **Not Applicable**

- j. Please indicate what steps you have taken to discuss this project with your neighbors prior to submission.

Informative letter sent to President of Towns Spectrol, Inc
(Adjacent neighbor)

- k. Please indicate what steps you have taken to discuss this project with the City staff prior to submission.

General Manager & Real Estate Manager with Lamer of LaCrosse met with Shawn Wetterlin, Building & Zoning official to go over proposed plans, and phone conversations to discuss these current plans provide the approval of the height & spacing variance.

If there are any questions as to property lines, please call the Houston County Recorder at 507-725-5813.

Questions: If you have any questions, please contact the Building/Zoning Department, Monday through Friday, 7:30 a.m. to 4:00 p.m. at 507-895-4409, or write to, Shawn Wetterlin - Building Official, 315 Main Street, City of La Crescent, Minnesota, 55947.

My signature below signifies that:

I hereby declare that I am the owner, or authorized agent of the owner, of the above described property and I agree to construct the building or use herein described in accordance with the regulations and ordinances that govern said improvement within the City of La Crosse and that the foregoing information contained on this application is a true and correct statement of my intentions. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction. I understand that any utility that must be moved as a result of additions or alterations to the property will be at my expense and I will be responsible for the cost of the plan check of this application even though I do not continue the project. I have also read and understand the instructions and information listed on the reverse side of this form.

- I have read the background information and have provided the required information.
- I have reviewed the legal description on my property deed and indicated all recorded easements and deed restrictions on the submitted site plan. (Please provide a description here of the easements and restrictions shown on your property deed.)
- I believe the information provided in this application is accurate to the best of my knowledge.
- I am aware that City staff and/or Planning Commission members may view my property and proposed construction. (Please note any special instructions regarding access to your property such as dogs, gates, alarms, etc.)
- I understand that if this application is approved, a building permit is required for construction and that no construction may commence prior to issuance of the permit. No changes may be made without City approval, and changes may require a new application.

Signature(s) of
Property Owner(s)

Rinda A. Langston

Date

2/23/22

Owner of Billboard Structure - Lamar Advertising of La Crosse

Real Estate Manager:

Zeek Shih 2/23/22

Turn out over and read back copy.
Complete in ink or typewriter.
Fill out, sign and submit four copies
to the Minnesota Highway Department.

APPLICATION FOR PERMIT TO ERECT
ADVERTISING DEVICE ALONG THE
MINNESOTA HIGHWAYS

Legal

61
Control Section
2805
64
Mile Point
2.4

Applicant (device owner) Collins-La Crosse Sign Corp.	2) Address 222 Pine Street, La Crosse, WI 54601	3) Telephone No. 784-8200
Land Owner, Occupant of Land, Lessee or Agent Collins-La Crosse Sign Corp.	5) Address 222 Pine Street, La Crosse, WI 54601	6) Telephone No. 784-8200

LOCATION OF PROPERTY		10) Nearest landmark, intersection, side of highway by description, direction, and distance: MP 2.4, US 14-01, N end of La Crescent E/S 175' South of Holiday Inn Sign Sta 123+50
1) Highway No. US Hwy. 14 & 61	8) County Houston	
7) Present Sign Message: Water now construction Hobbit's Hill		

11) ADVERTISING AREA Height: 12' 6" Width: 48 ft.	12) Device to be illuminated? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	13) Distance from center of highway to nearest corner of device? Three	14) Approximate date device will be or was erected: Feb. 12, 1977 As soon as possible
---	--	--	---

1) ☐ Single faced device
☒ Double faced device, V type or back to back

Submit application with certified check for proper fee payable to Commissioner of Highways.

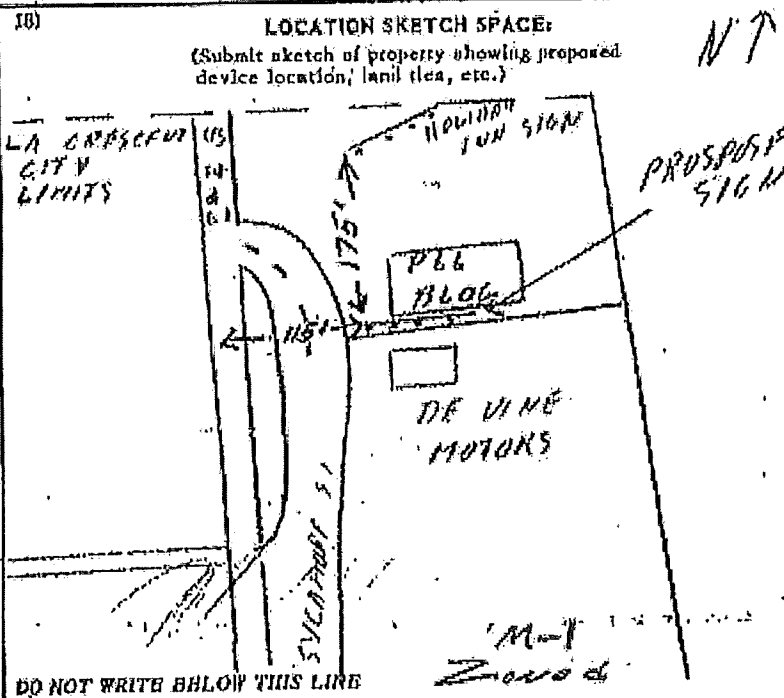
Submit legal description of property if required.

Owner, lessee or agent must submit letter granting use of property or sign item 10 below.

3) Land Owner, Occupant of Land, Lessee or Agent
Collins-La Crosse Sign Corp.
Date: **2-7-77** See Lease on Pink Copy

1. We, the undersigned, hereby declare that all statements herein are true and complete, with the same force and effect as though given under oath, herewith accept the terms and conditions of the regulations of the Commissioner of Highways and agree to fully comply therewith to the satisfaction of the Minnesota Highway Department.

7) Applicant's Signature: **Michael P. Collins**
Date: **2-7-77** CK. No. 12642
2-8-77 2-9-77



ADVERTISING DEVICE PERMIT
(Permit not valid unless bearing signature & number)

Permit No. **640 3890**

Permit label must be affixed to structure prior to _____ or permit will be voided. Permission is hereby granted for the construction of the device as described in the above application, said device to be in accordance with the regulations as set forth in Commissioner of Highways' regulations and the laws of the State of Minnesota. (Subject to Local Ordinances)

b. SPECIAL REQUIREMENTS: **This permit void if not erected within 120 days.**

This permit number must be affixed to device in upper corner of the device nearest the highway together with permittee name.

This permit expires on June 30, 19**77**

It is expressly understood that this permit is conditioned upon maintenance of the device in its original or to a satisfactory condition.

Sign is designated _____

AFTER PERMIT IS APPROVED:
White to Applicant
Buff to Central Office
Pink to Area Maintenance Office
Green to Section Chief

Date: **2-10-77** District Engineer: **[Signature]**

NOTE: Check with local authorities for compliance with town & County ordinances.

640 3890
2805

BUILDING APPLICATION SKETCH - CITY OF LA CRESCENTE

Name Lamar Advertising

Address 564 Sycamore St.

Date 2/23/2022

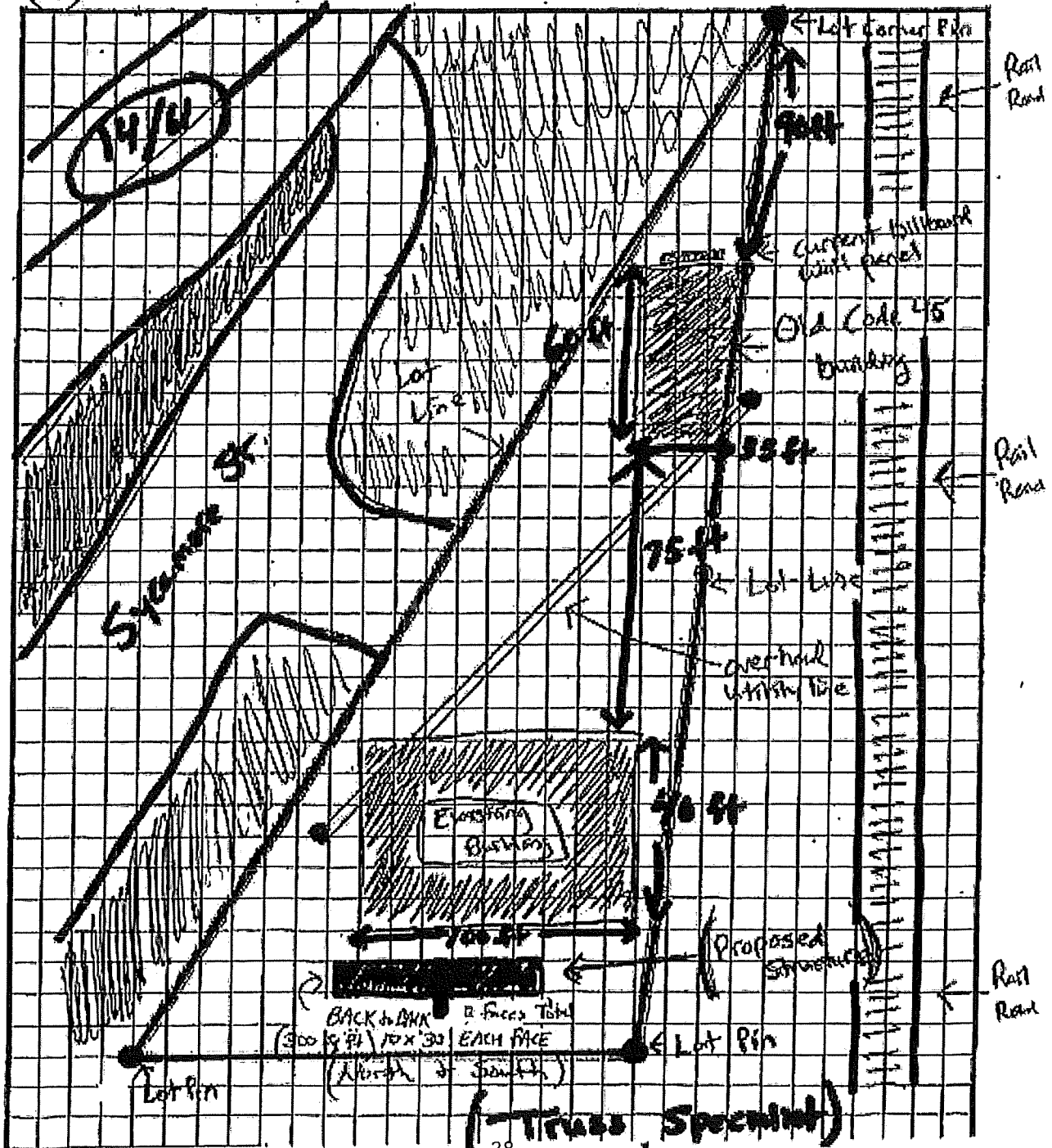
ALL SKETCHES MUST BE DRAWN TO SCALE and contain the following information: North Arrow, all abutting streets and alleys with street names, dimensions of lot or lots, all existing buildings on lots, proposed buildings, and distances from all property lines to existing or proposed buildings.



Crosshatch all existing buildings. Label property lines.

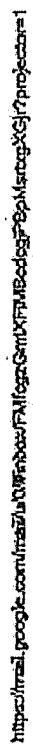
Indicate North in the Circle

SCALE 1/4" =



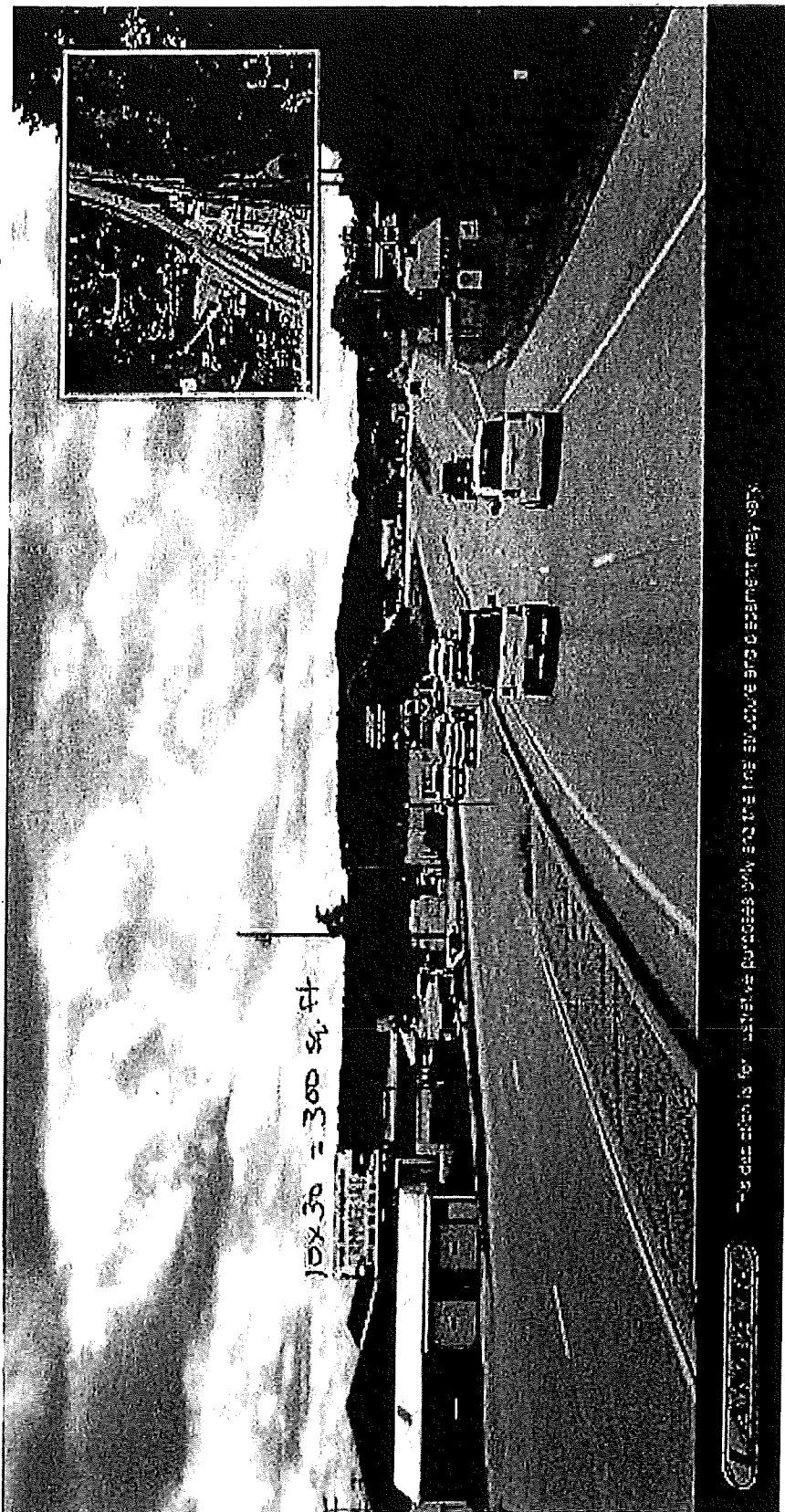
REF: 5011-90 ALT:303

La Crescent Max - up



11/8/22, 8:11 AM

LHR_001 LHR ALTIPO La Crescent Mock-Up



Site location

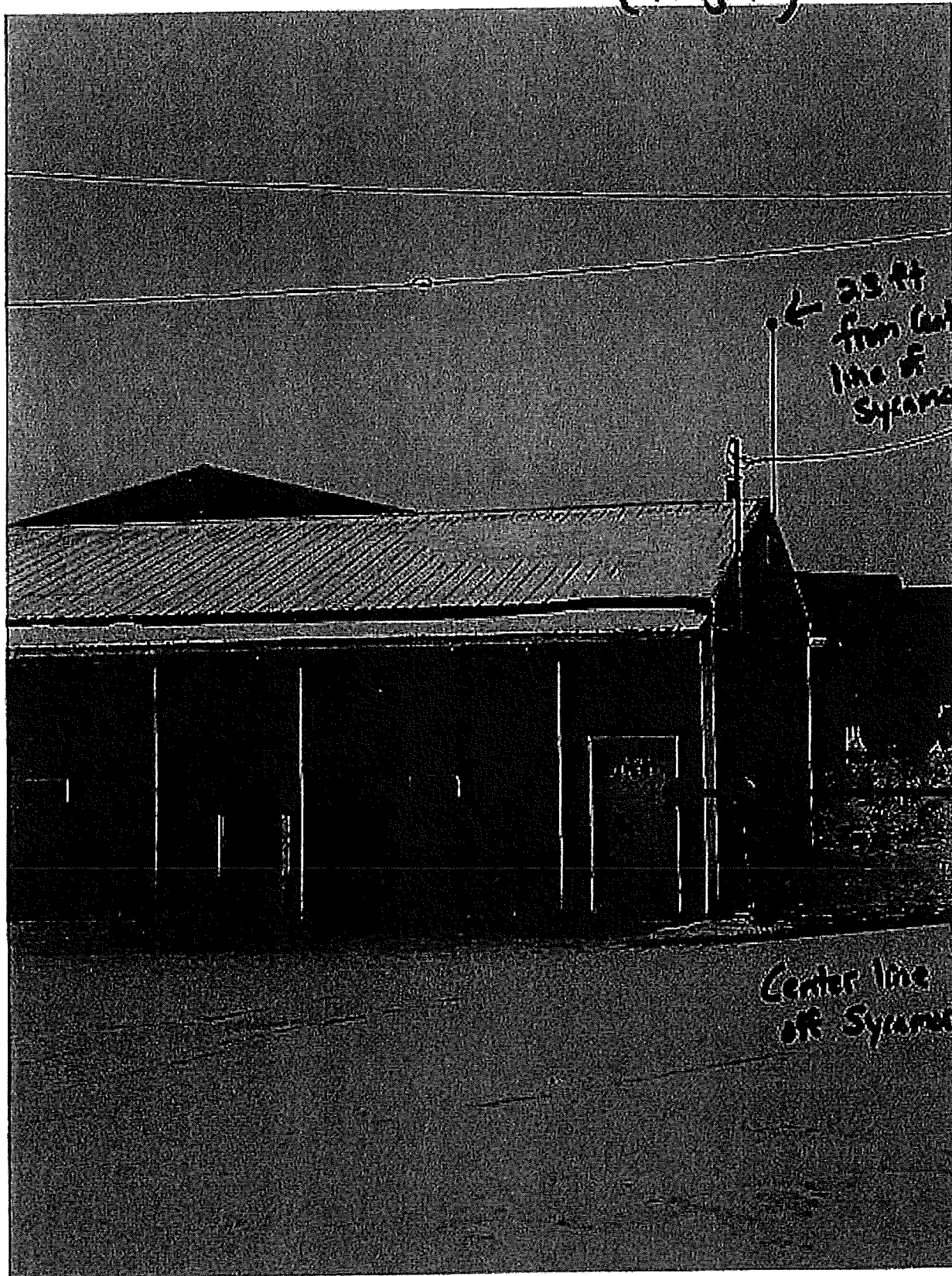
Spacing = 188 ft. (Seeking Variance per Spacing)



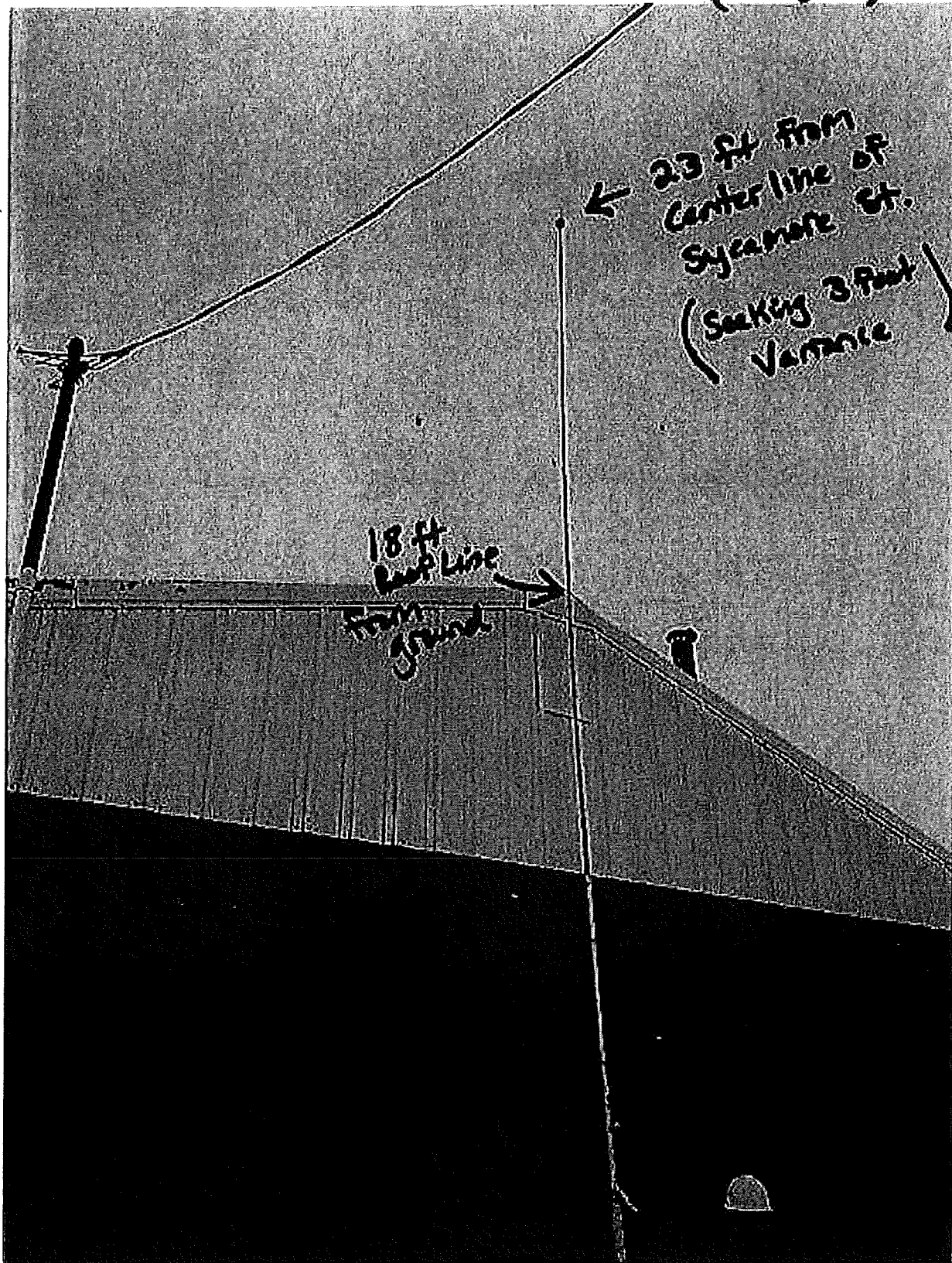
2/23/22, 2:10 PM

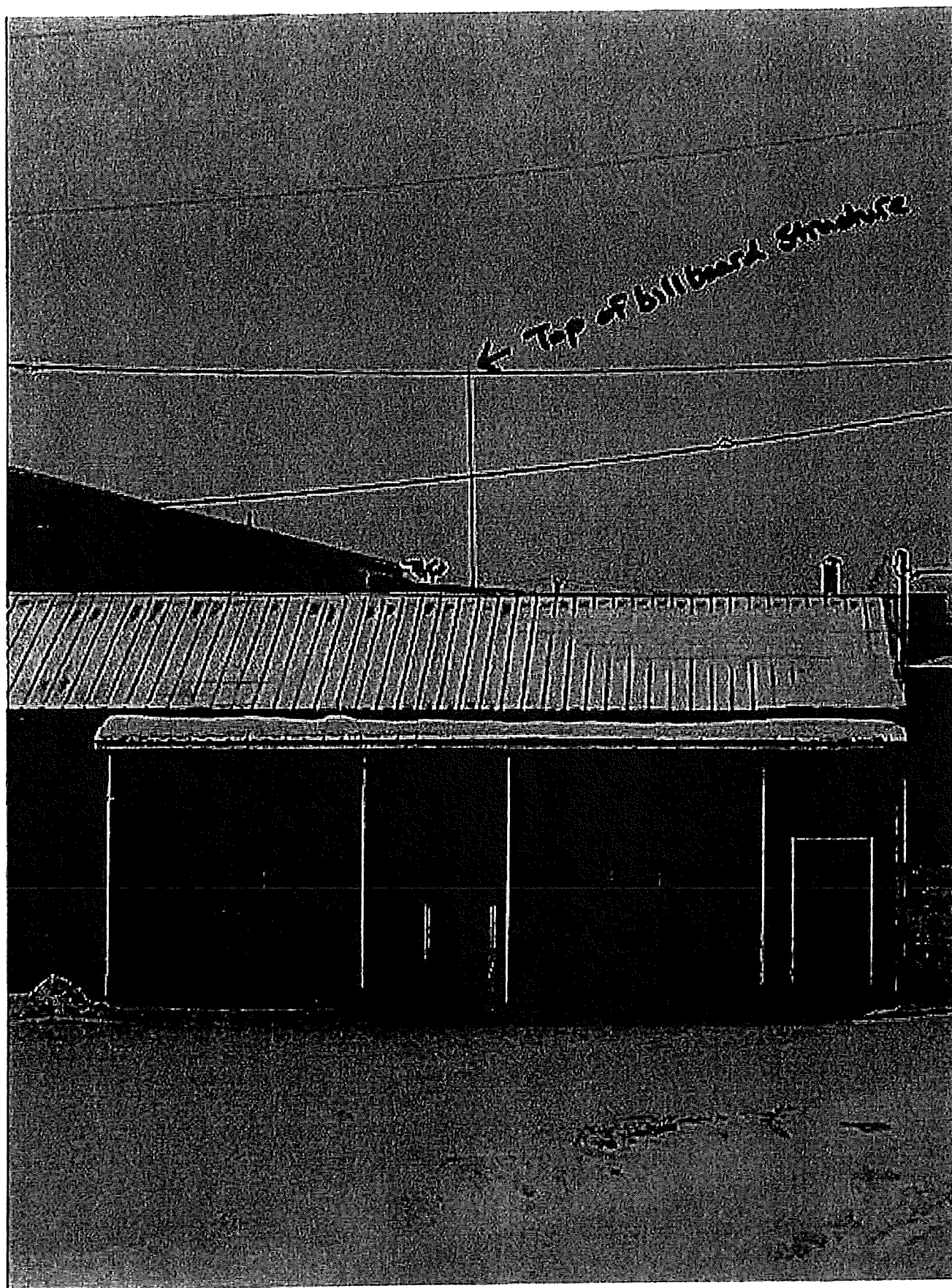
IMG-4170.jpg

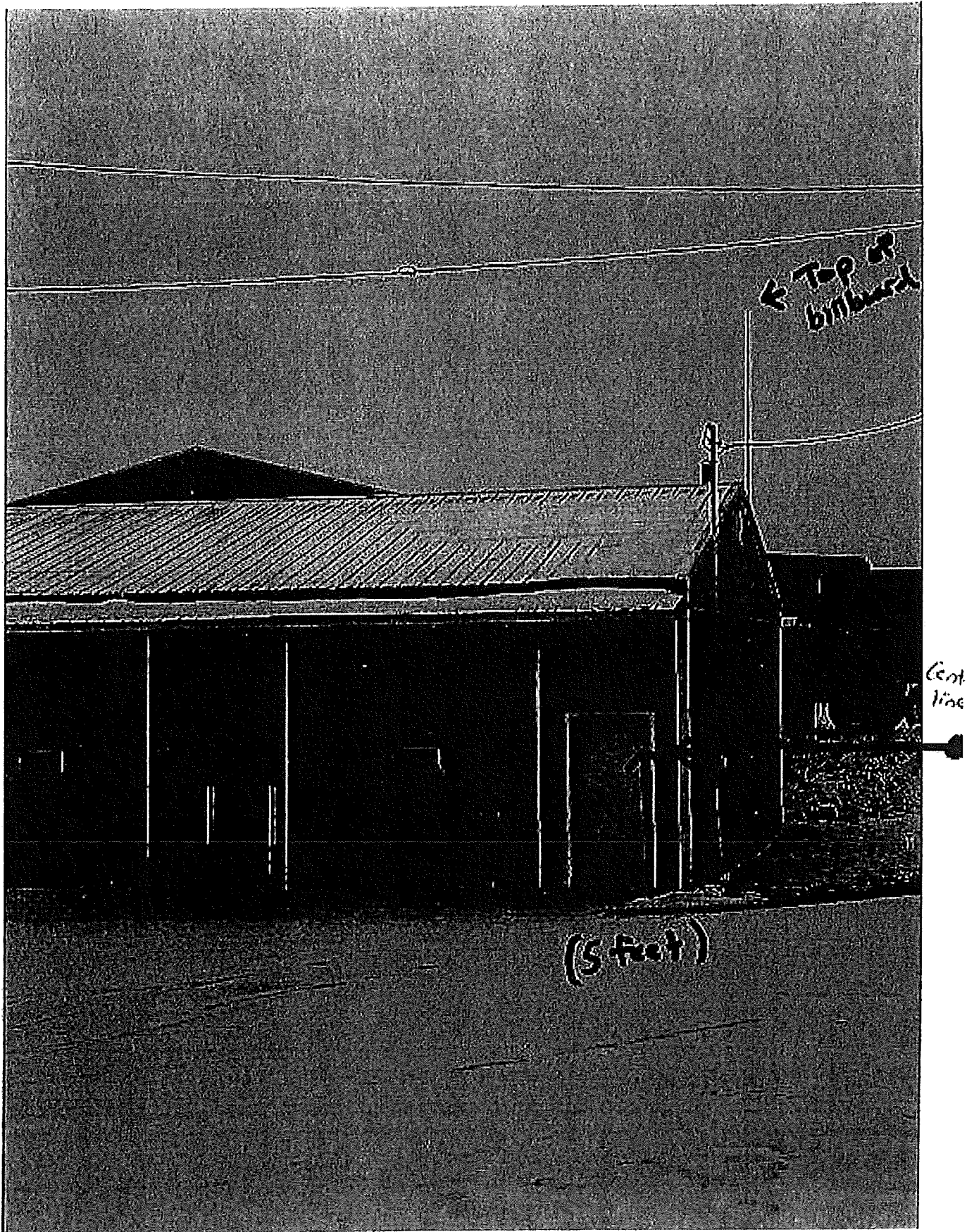
(Height)

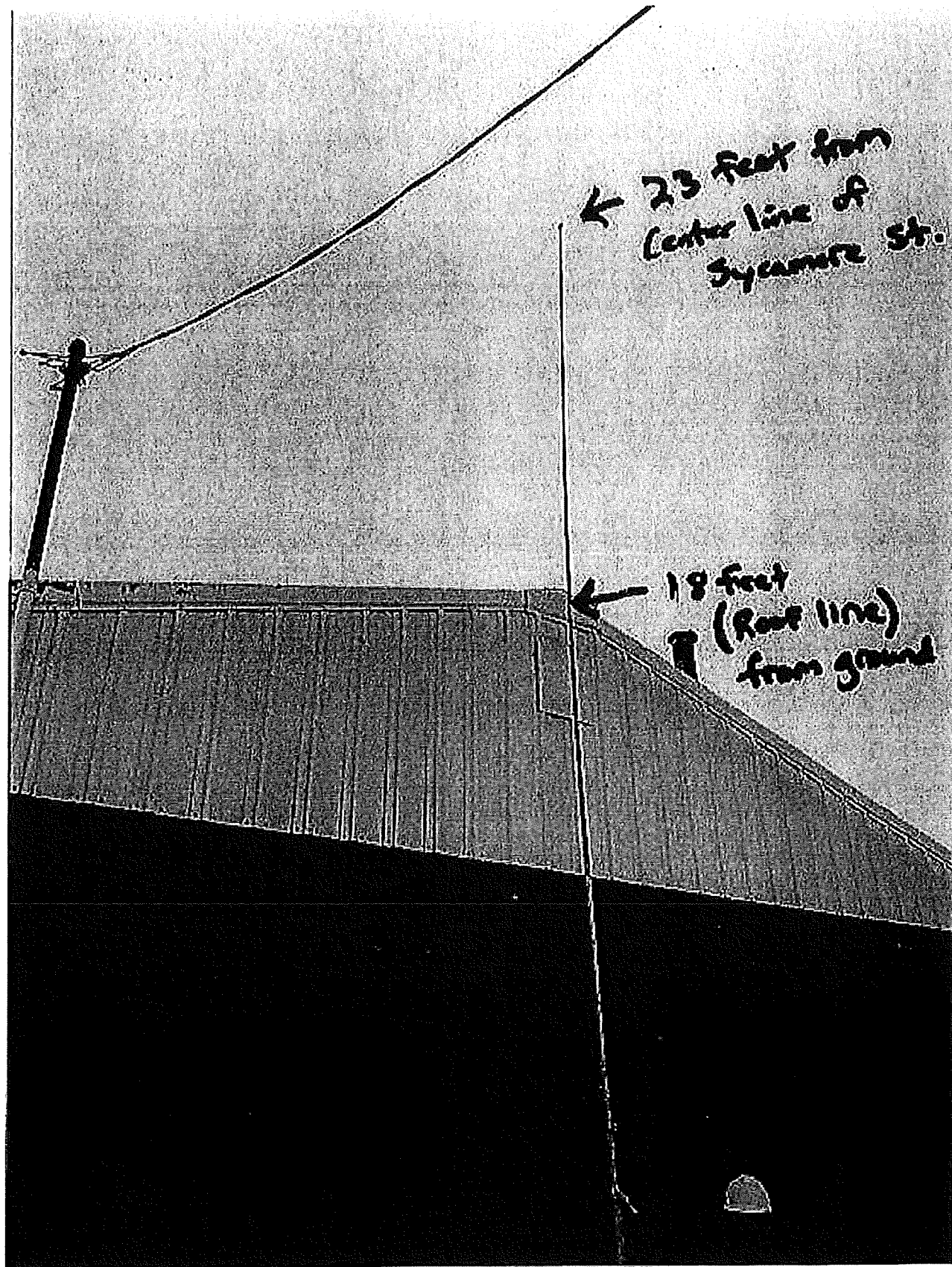


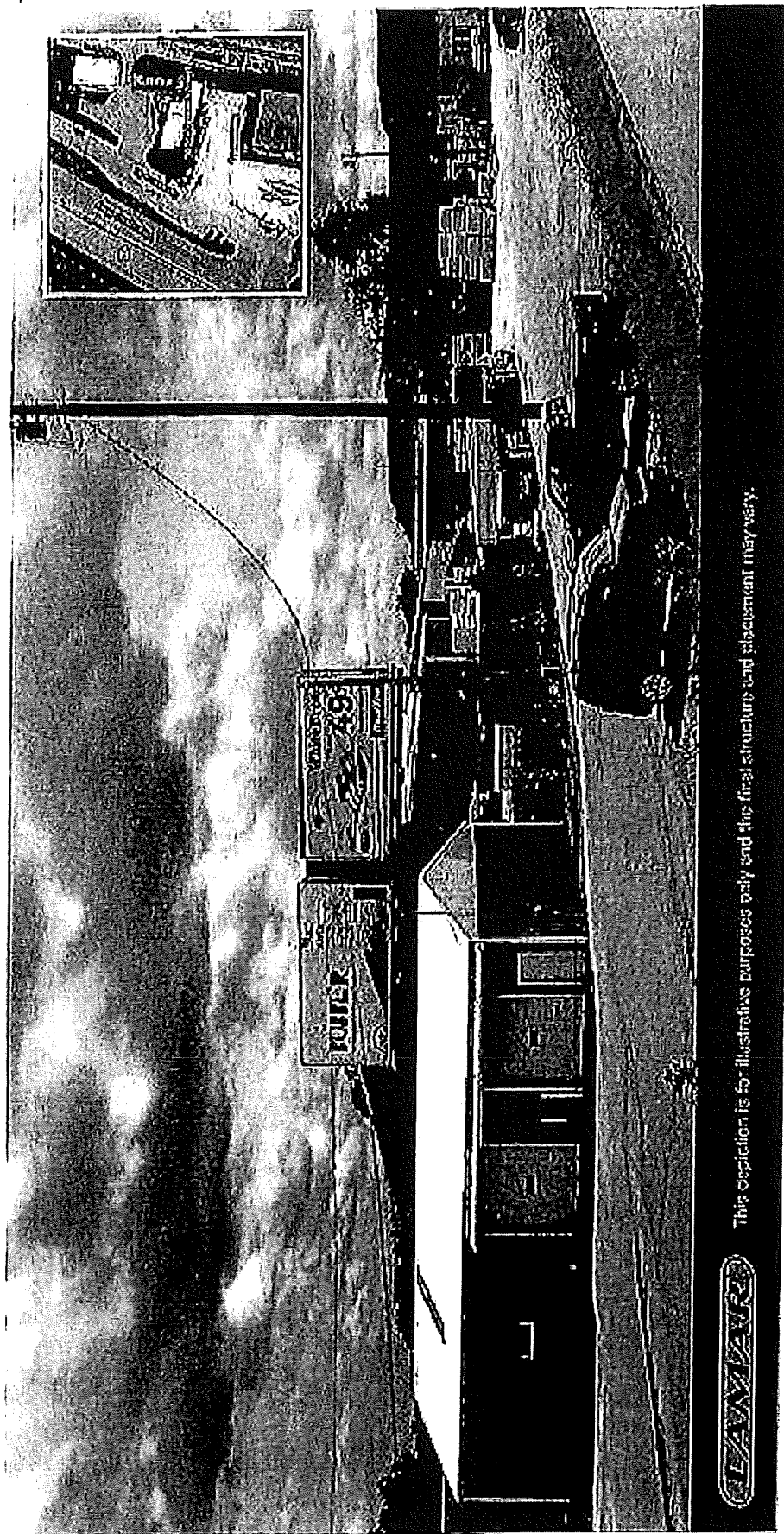
(Height)





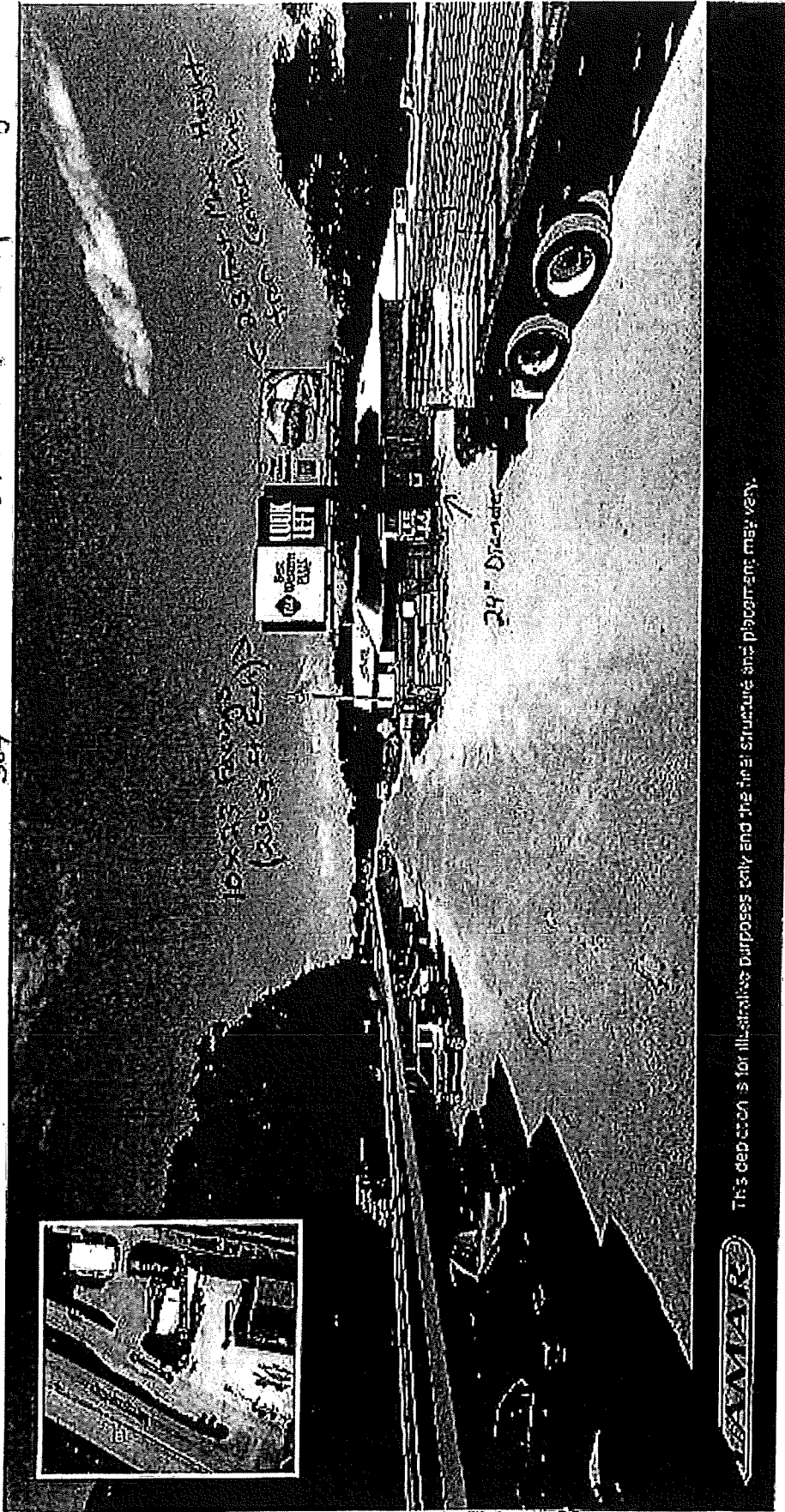






This caption is for illustrative purposes only and the final structure and placement may vary.





- * Single Monopole - 24" inches in diameter
- * Maximum height - 23' feet from center line of Sycamore St (3 foot variance)
- * Size - Each Facing 10' x 23' = 230 square feet

This depiction is for illustrative purposes only and the final structure and placement may vary.

وہی سب سے زیادہ اہم ہے

مجلس الشورى



卷之六

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TO: Planning Commission Members
Honorable Mayor and City Council members
FROM: Jason Ludwigson, Sustainability Coordinator
DATE: April 6th, 2022
RE: Meeting Minutes from April 5th, 2022

The Planning Commission met at 5:30 p.m., on Tuesday, April 5th, 2022 in the City Council Chambers at City Hall. The following members were present: Ryan Stotts, Mike Welch, Annie Stoecklein, Greg Husmann, Dave Hanifl, Dave Coleman, and Jerry Steffes. City Sustainability Coordinator, Jason Ludwigson, Economic Development Director, Larry Kirch, and City Council member Cheryl Jostad. City Attorney Skip Wieser was also in attendance.

1. The meeting was called to order by Chair Stoecklein. Members recited the Pledge of Allegiance.

2. Mike Welch made a motion to accept the minutes from the March 1st, 2022 meeting. Motion was seconded by Greg Husmann.

Upon a roll call vote, taken and tallied by the Sustainability Coordinator, all members present voted in favor accepting the minutes.

Stoecklein – Yes

Stotts – Yes

Steffes – Yes

Coleman – Yes

Hanifl – Yes

Welch – Yes

Husmann – Yes

3. At 5:35 the Planning Commission chair continued the Public Hearing to review the Text Amendment and Conditional Use Permit application for 215 South Chestnut Street.

Chair Stoecklein opened the meeting.

Jason Rouleau, representing City Door, spoke in regards to the Conditional Use Permit and Text Amendment. Mr. Rouleau thanked the members for visiting the site. Commission members asked the applicant if he had applied for permits to complete interior work at 215 South Chestnut. The applicant noted that a permit had not been completed for this work. Mr. Husmann asked about conditions and a timeline being added to the conditional use permit. Discussion about the text amendment being approved or denied prior to the conditional use permit. Parking of vehicles on the right of way was discussed. Staff noted that commercial vehicles include buses, trucks, construction vehicles, etc. History of the zoning designation around the area of 215 South Chestnut Street was discussed. The applicant noted he does not have plans to add any additional semis to the site. Members also expressed concern about moving the buses and drivers not wanting to drive farther distances to pick up the school bus for its route.

Larry Kirch reviewed the staff report prepared by himself and Jason Ludwigson for the Conditional Use Permit and Text Amendment. Larry reviewed the background of the property, noting the updates that have been made to the building. It was noted that the applicant is currently parking buses on the property in violation of the zoning code. The staff report contained staff findings related to the comments the applicant had submitted for the conditional use permit and text amendment. Conditions for approval and denial were presented. Staff concluded that the proposed use does not meet the CUP criteria in Section 12.06 Subd. 4 of the Zoning Code.

Members discussed the Conditional Use Permit and Text Amendment. Questions about the road-right-of-way, screening, precedent for allowing a text amendment, and applicants' responses to the permit applications were discussed at length.

Chair Stoecklein closed the public meeting.

A motion was made by Greg Husmann to allow a Zoning Ordinance Text Amendment to allow for the outdoor parking and storage of commercial vehicles, including busses in the C-1 commercial district. The motion was seconded by Dave Haniff.

Findings in the motion included:

- Allowing the parking of buses on the property will allow the school district to continue providing services for the City of La Crescent and students in the community.
- The property is surrounded by railroad right of way and highway right of way. Storage of buses will not impede any orderly development of the adjacent properties.

- Previous uses of the property include asphalt equipment and miscellaneous storage. Truck semi parking is further south of the site along with a city-owned equipment area.

Upon a roll call vote, taken and tallied by the Sustainability Coordinator, all members present voted in favor of the text amendment.

Stoecklein – Yes

Stotts – Yes

Steffes – Yes

Coleman – Yes

Hanfl – Yes

Welch – Yes

Husmann – Yes

A motion was made by Greg Husmann to grant a Conditional Use Permit to the applicant for the property at 215 South Chestnut Street with the conditions below. Dave Hanfl seconded this motion.

1. The Applicant will abide by all representations made by the Applicant or their agents made during the permitting process, to the extent those representations were not negated by the planning Commission or City Council and to the extent they are not inconsistent with the explicit conditions of the conditional use permit.
2. The Applicant complies with all applicable federal, state, and local regulations.
3. No vehicles will be parked or stored within the City right of way.
4. Applicant will comply with the City's building code for all interior and exterior building improvements and shall submit for approval interior remodeling plans prepared by a design professional or a draft person qualified to prepare such plans.
5. No more than one (1) semi will be allowed to be stored on the property described on Exhibit A at one time.
6. With the agreement of the Applicant, this Conditional Use Permit will terminate upon the sale or conveyance of the property described on Exhibit A to any third party.

7. Any additional lighting shall be "Dark Sky" compliant, wherein all light sources shall be down-lit, full cutoff fixtures and shielded, and the correlated temperature ("CCT") shall not exceed 2,700 Kelvins.

8. Any signage to be installed on the property must comply with Chapter 152 of the City Code of Ordinances.

Upon a roll call vote, taken and tallied by the Sustainability Coordinator, all members present voted in favor of the conditional use permit.

Stoecklein -- Yes

Stotts -- Yes

Steffes -- Yes

Coleman -- Yes

Hanifl -- Yes

Welch -- Yes

Husmann - Yes

4. At 6:10 Chairperson Annie Stoecklien called for a public hearing for the variance application at 504 Sycamore Street.

Larry Kirch reviewed the staff report for the two variances in the application at 504 Sycamore Street. The criteria for granting a variance were included in the staff report. Larry noted the background information provided by the applicant states that there was a 12' X 42' off-premise sign located on the property that was erected on December 1, 1974. This sign was replaced by an off-premise advertising sign that was permitted on February 10, 1977 and erected on February 15, 1977. The 1977 permit stated that the sign was located south of and within 175' of another off-premise sign (also on the same tax parcel). The 1977 off-premise advertising sign permit application states that the sign was a 12' X 48' or 570 square feet in size and double sided. On July 29, 2021, the original sign (two sided with four sign faces) came down during a severe thunderstorm and took down some power lines and caused a power outage. The off-premise advertising sign is a non-conforming sign per the city's sign code. The subject site is designated by the City's General Plan as "Shoreland Mixed Use."

City staff has reviewed the submitted application, the applicant's response (a thru k) of the application, reviewed the adopted comprehensive plan, and the city's sign code for nonconforming off-premise advertising signs. The variance request has three components, a height variance, a spacing variance from another off-premise advertising sign and a spacing variance from an existing street intersection. The city staff finds that the variance request is not consistent with several stated goals, objectives, and strategies of the comprehensive plan found in the following elements:

- Natural Systems, Open Space and Recreation Element, Goals, Objectives, Strategies

2.9. Scenic views of the bluffs and wetlands will be enhanced through the removal of billboards.

- Transportation and Mobility

8. Transportation corridors and gateways will be aesthetically attractive and enhance the image of the community

23. Work with State and County agencies to maintain aesthetically pleasing transportation corridors and gateway entrances with reflect the community's charm and vision. This may include enhanced landscaping, artistic enhancements, clean-up off trash and debris, decorative lighting, improved community signage and removal of billboards

- Land Use and Community Design

3.3 Billboards will be removed.

Variances shall not be permitted when they are not in harmony with the general purposes and intent of the ordinance and when the variances are not consistent with the comprehensive plan. Legal non-conforming signs may be reconstructed if they meet the requirements of the sign code however the applicant is requesting two variances (and actually needs a third variance) and therefore the request is not in harmony with the general purposes and intent of the sign ordinance. If the variance request does not meet these two criteria (harmony and purpose of the ordinance and consistency with the comprehensive plan), then there is no need to evaluate the request to determine if there are "Practical difficulties."

Two representatives of the applicant spoke in favor of the request and the history of the billboard, who has used the billboard. They noted the billboard had been in place since the 1970's. They noted the billboard is smaller in square footage than the sign that was previously in place. Applicants noted the sign would be four feet shorter than the billboard that was in place prior to the storm. They also discussed loss of four signs and revenue along the pike. Applicants noted that the loss of billboard space

is detrimental to local business advertising. Members of the board of adjustment asked questions about the local advertisers who use the board.

Greg Husmann made a motion to deny the variance application on the grounds that it is inconsistent with the comprehensive plan sections including Natural Systems, Open Space and Recreation Element, Goals, Objectives, Strategies, Transportation and Mobility, Land Use and Community Design and the zoning ordinance language in the city's sign ordinance which states that legal non-conforming signs may be reconstructed if they meet the requirements of the sign code however the applicant is requesting two variances and therefore the request is not in harmony with the general purposes and intent of the sign ordinance. The motion was seconded by Ryan Stotts.

Upon a roll call vote, taken and tallied by the Sustainability Coordinator, all members present voted as follows to deny the variance application.

Stoecklein – Yes

Stotts – Yes

Steffes – No

Coleman – No

Haniff – Yes

Welch – Yes

Husmann – Yes

By a vote of 5-2 the members of the board of adjustment denied the variance request for 504 Sycamore Street. Jason Ludwigson read the 10 day variance notice which states, "Upon approval or denial of a variance request by the Board of Adjustment, an applicant or other aggrieved party may file an appeal in writing to the City Council within (10) days of the decision, otherwise the decision by the Board of Adjustment becomes final."

5. At 6:40 Chairperson Annie Stoecklein called for a public hearing for the variance application at 1116 South Oak Street.

Larry Kirch reviewed the staff report for the variance application at 1116 South Oak Street. It was noted that a variance for metal siding as a secondary material has come before the board of adjustment

frequently in the last year. Staff concluded that this request can be considered consistent with the comprehensive plan and the general intent of the zoning code because the owner has added stone veneer; is keeping the stucco on the first floor; is using architectural metal; and has added a metal projection over the upper floor windows and above the lower floor. The variance request does meet these two criteria (harmony and purpose of the ordinance and consistency with the comprehensive plan), therefore the request was also evaluated to determine if there are "Practical difficulties." The property owner is proposing to use the property in a reasonable manner, the property owner is attempting to have a more permanent repair for the problems associated with previous attempts to restore the stucco finish and the building repairs will not alter the essential character of the immediate locality.

A representative of the applicant spoke in favor of the request. He noted that the building front was having water issues with the stucco finish and the metal siding would get the water out away from the building walls. The construction work has moved drain downspouts and piping to get the water flowing away from the building rather than pooling by the front entrance. The architectural metal materials proposed for the installation have a long warranty and excellent durability.

Members of the board of adjustment noted that the materials proposed are aesthetically pleasing and not similar to metal installed on pole building steel.

Jerry Steffes made a motion to approve the variance application at 1116 South Oak Street. The motion was seconded by Dave Coleman.

Findings in the motion included:

- Proposed request is consistent with the city comprehensive plan
- Variance is similar in nature to others granted in the last year
- Staff are investigating this issue in terms of text amendments to the city zoning code to keep up with changes in building materials

Upon a roll call vote, taken and tallied by the Sustainability Coordinator, all members present voted in favor of granting the variance application for 1116 South Oak Street.

Stoecklein -- Yes

Stotts -- Yes

Steffes -- Yes

Coleman – Yes

Hanifi – Yes

Welch – Yes

Hussman – Yes

Jason Ludwigson read the 10 day variance notice which states, "Upon approval or denial of a variance request by the Board of Adjustment, an applicant or other aggrieved party may file an appeal in writing to the City Council within (10) days of the decision, otherwise the decision by the Board of Adjustment becomes final."

6. Motion to adjourn was made by Greg Husmann and seconded by Michael Welch. Members voted in unanimous consent to adjourn. Meeting adjourned at 6:51 p.m.

Planning Commission Meeting/Board of Adjustment

April 5, 2022

Transcription 43:34 through 1:06:18

AS = Annie Stoecklein

JL = Jason Ludwigson

LK = Larry Kirch

ZS = Zach Schoh

CR = Corey Randall

JS = Jerry Steffes

GH = Greg Husmann

DH = Dave Hanifl

RS = Ryan Stotts

SW = Skip Wieser

DC = Dave Coleman

MW = Mike Welch

US = Unknown Speaker

AS: Item No. 3. We have a public hearing variance application for 504 Sycamore Street.

JS: Thank you everybody.

AS: Thank you. Alright, so we'll open up the public hearing.

JS: Do you want the staff report first?

AS: Oh, staff report, sure.

Unintelligible – multiple people talking

LK: The ah, hopefully you all read the staff report. Um, so there are two (2) variances that are being requested and in looking and writing the staff report, there's another provision in the code that requires that an outdoor advertising be located 300 feet from an intersection so that was, I put it as item of note here. Looking at the Comprehensive Plan, there are multiple references in the Comprehensive Plan to eliminate billboards over time. So, I can go through them, I trust that you've read them. That there's ample evidence in the recently adopted Comprehensive Plan to eliminate billboards. In the zoning code, um, essentially what the code says that if a, that those outdoor, off premises outdoor advertising signs become nonconforming uses. So, if they do, are removed from an act of God, like a windstorm on August 29th of last year, then they have six (6) months to come in and apply for a permit. Which they did. Um, but is also says that you have put it up per the code. So, that's typically of all nonconformities when you apply for a permit you have comply with the new code. So, the fact that they're needing variances to put the sign up, um, if there were no variances needed, they could put the sign up. So, let's say there was not another off the premises outdoor advertising sign within 300 feet and they didn't

need the three (3) foot, they could it back up. They could just get a permit from the City. So, the fact that it needs two (2) if not three (3) variances, it's not, um, a given that the City has to grant these variances. So, again, in keeping with the Comprehensive Plan, you would say you would not issue the permit, um, because they need the variances. So, the nonconformity, ah, exists and the third one again is mentioned because it's at that intersection, its within 300 feet of that intersection. So, um, you have to go through findings of fact and um, the way I read the, the way the code works, it's like a two-tail test. So, if you can't meet the first criteria of whether the variances are in harmony or general purposes and the intent of the ordinance or consistent with the plan. So, if it doesn't meet those first two (2) tests, then you don't have to go through the practical difficulties, ah, evaluations. So, then there's three (3) practical difficulties that you evaluate. So, um, it's up to you, it's at your discretion what you want to ah, do and it can be appealed to the City Council within the ten (10) days so. Staff recommendation is to not grant the variances. So, any questions? I've included a bunch of maps at the back to kind of walk you through. I think you're all familiar where the sign was. Um, what the properties are. I did ah, some screen shots. The applicant has provided um, their narrative. Um, if you do grant it then you have to go through those five (5) findings. So, in my opinion, I don't think it meets the first two (2) so then ah. Again, you can go through that process if you want. So, I did include copies of the ordinance. I think it's that, fairly straight forward, a nonconforming use is allowed to be replaced if they did not need the variances.

AS: Thank you. Do we have um, anything from the public?

ZS: Yes, ah, just to I am Zach Schoh. I am a real estate manager of LAMAR advertising. I am here with my General Manager

CR: Corey Randall

ZS: Just a little background or history, I guess. The billboard had been erected in 1977, um, so it's been there for 45 years. And then did come down by an act of God. Um, it talks about it can be replaced, like you said, if earlier destroyed by circumstances out of control of the owner of the sign. Which we can't control the weather. Then new board, like the pictures that were provided, is actually shorter and less square footage than what was there previously. We talked about in Section 6, No. 6 Off Premises Signs. Talks about cap 2 replace. This was something that came to light after this was submitted but we actually are losing four (4) structures on the Pike per the US Fish and Wildlife regulations. There are four (4) billboards on the Pike as you are going to La Crosse. So those boards will be coming down. So, ah, that is obviously a loss of revenue for us and not only that but, it limits the advertising space for local businesses here in La Crescent too. We've gotten lot of calls from local businesses wanting to advertise and space is just not there. Do you have anything to add?

CR: Yeah, like you mentioned, it used to be over 900 square feet. It used to be four (4) boards there before the wind took it down. Now it would be on a steel structure. It would be hurricane proof, up to 180 mile per hour winds. Would go from 960 square feet down to

600 square feet. The height would be reduced actually four (4) feet from what it was. So, I think part of the three (3) foot variance, that would be probably the easiest one and that is simply clear the roof line of the buildings that's there. Like Zach mentioned, the board was there in 1977. And we are not looking to build anymore further than this. It's just simply to supply the demand that is here in your community. So.

JS: Could you tell us who you got for advertisers on that sign then?

CR: That was on it?

JS: Yeah.

CR: Ah, we had ah, Seymore Equipment was advertising the board prior actually had it on it as well. We had Kwik Trip that was on that board. Ah, we had ah, a bar at one point, Timeout.

CR: Schmitt's Time Out.

CR: And then another one that kind of rotates around so it's different advertiser every 4 to 8 weeks. So, it kind of rotates around.

JS: So, I am looking at some of the photos you submitted, and it even got a Best Western Plus.

ZS: That is just a mockup. So, we have a creative act team that can, you give them the coordinates of the location and they can, they have, I don't know. They have some art software where they can actually draw.

CR: Yeah, that board is obviously not there now. That's like a mockup of what

JS: I'm just curious through history what has been there to help La Crescent business places to see it value.

CR: We've had chiropractors, we've had banks, we've had obviously the Kwik Trips, some bars and restaurants. And as far as La Crescent is concerned, if you have people coming in from Minnesota or from the west and we have advertising and they see your message it would be good to get them to stop here, put the tax dollars here rather than keep going to La Crosse. Just another way to keep top of mind awareness. A little about our industry. People think our industry is old and dying. We are the fastest medium there is, ah, next to digital advertising. It is very important to business owners. It's very affordable, which means that's another reason why it's so important to them.

GH: So, is this sign going to be restricted to just La Crescent businesses or can Marlboro put an advertising on it?

CR: Cigarettes have been outlawed since

GH: I didn't hear you, what?

CR: Cigarettes, you cannot advertise tobacco

GH: How about Coors Light?

CR: Um, well, you could, that is kind of part of the First Amendment, free speech.

GH: I not trying to be, but when you talk about local advertising the city businesses are allowed to have signs all the way, ya know, before they get to the intersection coming into town, the state provides them, business have to pay for them, but the state has signs that say 24-hour gas or restaurant next exit and so the businesses are provided signs. I went down there and looked at it too. So, the sign you want to replace it with, if I understand it, would be double sided?

CR: Correct. Prior, before the storm, the board that we lost, it used to be four (4) billboards.

GH: Ok.

CR: Double-sided, back-to-back. This would just be single back-to-back.

GH: I have ah, I'll tell you right where I'm at, so you don't have any questions. I have a hard time wrapping my arms around billboards because I think that part of the Comprehensive Plan where we captured that was correct in trying to, in trying to lessen them and at some point. Cuz' I don't see them as being aesthetically as nice as some other things and you could question me and say that why are buses aesthetic, well they are probably not but they do provide a service for that business so, it's hard for me to go against what our Comprehensive Plan is and to vote for the amendments that you need. So, that's kind of where I am at. That's all I had Chairman, Chairperson.

AS: Any other question for the representatives? Do we want to close the public hearing or any other things that you guys have to say in your, ask us?

CR: Na, I guess in summary, the board was there for fifty (50) years. I don't feel like it bothered anyone. Again, I don't know your complaints, if any. Your right of way of 300 feet is very restrictive. If you look at any other community in the area, most right of ways for off-premises signs is fifty (50) feet. So, I think that's pretty, pretty drastic. I understand that, appreciate you're trying to eliminate them, but I feel, but you have the argument of on-premises verses off-premises. So why do you allow on-premises for Kwik Trip and for a McDonald's or a Subway or just other businesses. And I know they're different classifications but ah, a lot of times there's a strong need for them and I feel ah, having that sense of something. That board was there for fifty (50) years. I don't think it's any harm for it to be reduced, reduced in size and go from four (4) to two (2) would be any harm in my opinion.

- ZS: And the fact that we are also taking four (4) structures down in the city limits as well. So, you talk about that cap 2 replace in the ordinance. That's kind of where that comes into play a little bit too.
- ZS: We're not trying to build a Las Vegas or anything crazy. We're just, our place what we had there like he said, for fifty (50) some years and we are losing boards on the Pike. We want to be able to keep that advertising space whether it's for businesses in this community or whoever. That's just kind of where we are at.
- AS: Close the hearing?
- AS: I think we can close the public hearing, yeah. Ah, so then we can
- JS: Well, let me give you a little history before we get into voting. I was, Applefest in the 90s, in charge the carnival in advertising. We went out and bought billboards that year. We bumped our revenue up twenty percent (20%) because we attracted more traffic and it was an advertising blurb sixty (60) days before the event the track thing so, I think they have their place. I get it they're, they look, they can get out of hand, but I think these people actually need something like this more than we don't need it. So, I think if we take them all away, you are hurting La Crescent and not helping it. That's just me.
- DH: My comment is I totally disagree with that. First of all, Jerry and I are probably the only remaining members of the board. Back, a few years back when the sign ordinance was a long drawn out discussion for several meetings. I had to credit Patty for hanging in there. She was the one that basically modeled the revised ordinance. I think she did a tremendous job on it. And we tried to cover all of the various things that may come up in the future and that's why trying to get variances now changes all the stuff that was hashed over for several, several hours and I am not in favor at all modifying or granting in this variances and requests. In the end, I mean, we've got a new society. They don't need, put up billboards anymore. If it's not on social media, Facebook, Twitter, whatever. These younger kids, they don't mention billboards. It's junk out on the highway as far as a lot of people feel. I mean, this whole society is changing. If they want to go someplace, they just plug it into their iPhone or smartphone and drives you exactly to your designation. Or they will do a Google search recommended La Crescent area. Bang. It will take you right to that site. You don't need a billboard obstructing the natural beauty of the marsh and that and cluttering up along the highway. It's a whole new world out there.
- JS: We are talking about Truss Company right now. We are not talking about along the Pike, and I get that. But we're talking about sitting down there with the industrial site.
- DH: The Pike issue has all been solved. Those boards are all coming out. That's what he's been talking about. He's losing that revenue.
- JS: I'm talking about this one here he wants to get put in.

DH: Yeah.

JS: Fix it.

DH: And that is what I am against.

JS: Ok. I am just saying. It's next to the industrial site.

ZS: Just to, can I comment? I am just going to respectfully disagree with you. Ah, business do rely on billboards. Especially when they have certain, ah, say sales going on. You say that somebody can plug in their phone and ok, they're going to go eat at this restaurant or they're gonna to go this place, but if a business is running a special or if they're having some kind of sale going on, that's not gonna to be on your Google map.

JS: Chairperson, just to comment in the public hearing

AS: I know public hearing

JS: If you are going to allow them to comment you should

Unintelligible – multiple people talking

GH: I have a question.

AS: What's your question?

GH: For Larry, or Jason. If the Planning Commission, and I am not saying we should or shouldn't do either one. If the Planning Commission turns down the request, then the company has the right to appeal to the Plan, to the Board, to the City Council, correct?

LK: Correct. Within ten (10) days. They have to appeal from ten (10) days to appeal from the decision.

GH: To file it.

LK: To appeal to the City Council.

GH: To me this is an issue that I would, if they decide to appeal it, they should appeal it. But I can't vote for it, because I think that it's a public decision. It affects the public more than some of the other decisions we make. And this one, to me, needs to be, if you appeal it and if it goes to that maybe it won't get appealed. Maybe you'll get it voted for. But not by me. Ah, that the City Council, the elected officials that happen to make the decision of whether they want the billboard there. So, I'm going to make a motion that we deny the request.

RS: I'll second it.

JL: Motion by Greg and Ryan, you seconded it.

AS: Are there, Attorney Wieser do you have

SW: What I would suggest before you act on that motion would be a couple things. One would be to either, I can recite or at least acknowledge that the criteria for granting the variance which is included in the packet. Which Mr. Kirch correctly summarizes a kind of a two (2) fold task has been viewed by the Board of Adjustment. Essentially variances can only be permitted when they are in harmony with the general purpose and intent of the ordinance, when they are consistent with the Comprehensive Plan, and then when if you get past that point, they can only be approved when the applicant establishes that they're practical difficulties. And then practical difficulties is defined as a use that is reasonable but not otherwise permitted by the zoning ordinance, the plight of a landowner's unique to the landowner and not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. And what Mr. Kirch and Ludwigson we, there is a motion on page

LK: 6

SW: 6, thank you. And what you could consider doing if the motion was a motion to deny the request, I would suggest that a finding be made that's partially referenced on page 5, that the variance request is not consistent with the several stated goals, stated goals, objectives, strategies of the Comprehensive Plan found in the following sections. And then it's the natural systems, open space and recreational elements, goals, objectives and strategies, transportation and mobility, and land use and community design. And then I would maybe suggest citing that those items are specified in detail earlier in the report there's page cites, and section cites to those. And then just real briefly, Member Haniful's correct, this was adopted in 2012, this sign ordinance was adopted in 2012 I think initially and what the city did at that time was, is essentially all existing signs where inventoried, this one included. And what the ordinance provides is that basically there would be allowed to stay, but if there were brought down due to forces beyond people's controls, there is actually a section about the technical requirements that they have to satisfy which they are seeking the variance from. And so, I think while I may have recited that as one finding, that one finding would satisfy a finding of inconsistency with the Comprehensive Plan and inconsistency with the general intent of the ordinance.

GH: I would add that to my motion.

RS: I seconded it.

AS: On the roll.

JL: Greg.

GH: Yes.

JL: Ryan.

RS: Yes.

JL: Dave H.

DH: Yes.

JL: Jerry.

JS: No.

JL: DC.

DC: I'm a no.

JL: Mike.

MW: Yes.

JL: And Chairperson.

AS: Yes.

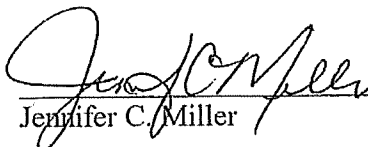
JL: And then I will read the note, upon approval or denial of variance requested by the Board of Adjustment, an applicant or another grieved party may file an appeal in writing to the City Council within ten (10) days of the decision. Otherwise, the decision by the Board of Adjustment becomes final.

CERTIFICATE OF TRANSCRIPTION

STATE OF MINNESOTA)
) ss.
COUNTY OF HOUSTON)

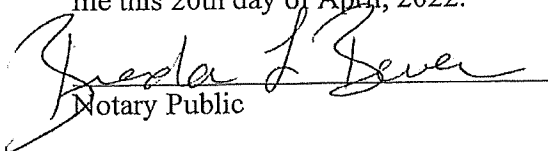
Jennifer C. Miller, being first duly sworn on oath, deposes and states as follows:

1. I am an adult employee at Wieser Law Office, P.C., and am of sound mind and capable of making this Affidavit.
2. In my position as Legal Assistant at Wieser Law Office, P.C, I perform administrative and secretarial tasks including transcription.
3. I am not a relative, employee, attorney or counsel of the parties.
4. I transcribed the foregoing eight (8) pages to the best of my ability.

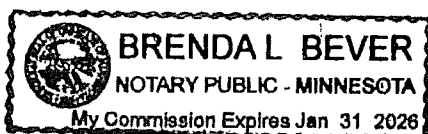


Jennifer C. Miller

Subscribed and sworn to before
me this 20th day of April, 2022.



Notary Public





1329 Interchange Place, La Crosse, WI 54603

April 7, 2022

La Crescent City Council
315 Main Street
La Crescent, MN 55947

RE: Appeal of Variance Denial from Planning Commission

Dear City Council Members:

This letter of appeal is in regards to the decision of denial made by the City Planning Commission regarding Lamar Advertising's variance application to rebuild a sign structure that came down in 2021 due to a storm and act of God outside the control of the owner of the sign.

Lamar Advertising met with the City Building and Zoning Administrator, to discuss replacing the sign. Lamar Advertising was told they were allowed to rebuild the structure as long as they met the replacement requirements outlined in the city's ordinance. Upon review of the requirements, it was determined that Lamar would have to apply for variances in order to rebuild. A variance application was submitted for the height and for spacing.

At the April 5th Planning Commission meeting, Community Development Director, Larry Kirch, outlined the variances Lamar needed, and recommended the committee deny Lamar the variances based on the request not being consistent with the City's comprehensive plan and not in harmony with the general purpose and intent of the sign ordinance.

During the meeting, some members of the committee voiced their personal opinions of the billboard industry and how they do not like them, that they are an eye sore, and that nobody uses billboards to advertise anymore, because everyone now has access to smart phones and social media. These personal feelings are not facts, and are far from the actual truth as to how much local businesses rely on our product/service. Committee members did not discuss the variances that Lamar was seeking; they only gave their personal feelings, which felt like an attack on our industry.

Lamar Advertising contends they were not given a fair review, and therefore requests an appeal of the decision made by the committee, and be allowed to present their case in front of the elected council.

Thank you,

Zach Schoh, Real Estate Manager, Lamar Advertising of La Crosse.

A handwritten signature in black ink, appearing to read "Zach Schoh", written in a cursive style.

ORDINANCE NO. 531

AN ORDINANCE OF THE CITY OF LA CRESCENT REGULATING SIGNS IN THE CITY

The City Council of the City of La Crescent, Houston County, Minnesota, hereby ordains:

SECTION I. PURPOSE

The purpose of this ordinance is to protect and promote the public health, safety, and welfare within the City by the establishment of comprehensive standards, regulations and procedures governing the erection, use or display of devices serving as visual communications media. Furthermore, enactment of the ordinance will serve to preserve the residential character of residential neighborhoods, to preserve order and cleanliness, to avoid the appearance of clutter, to provide for necessary visual communication, to preserve and promote a pleasant physical environment, to ensure that the constitutionally guaranteed right of free speech is protected, to protect public and private property, and to encourage safety upon the streets and highways within the City of La Crescent by preserving the sight lines and reducing distractions to motorists. Finally, these rules and regulations are intended to support local businesses and to enhance the appeal of this area to residents and visitors.

The City is located at the center of three National Scenic By Ways, between bluffs, valleys and protected wetlands. These regulations are designed to balance the need for signage with the impact of such signage on the environment by establishing standards regarding the type, number, structure, size, location, height, lighting and maintenance of all permitted outdoor signs and sign structures.

SECTION II. APPLICABILITY

These provisions shall apply to and be binding upon all persons, firms, corporations, associations, partnerships, governmental units and other entities, whether in the capacity of owner, tenant, proprietor, manager, custodian, guardian or agent of lands lying and being within the corporate limits of the City of La Crescent.

SECTION III. DEFINITIONS

To the extent used in the administration and enforcement of this ordinance, the language set forth in the text of this ordinance shall be interpreted in accordance

with the following definitions. Other words shall have their common meaning. Words used in the present tense shall include the future; words used in the singular shall include the plural and the plural includes the singular.

Awning - A structure attached to a permitted building, extending over and designed to provide cover or shade for windows, entrances, exits or walkways. Similar to an attached canopy.

Banner - A flexible material on which copy, or graphics may be displayed.

Billboard - See Off-Premises Advertising Sign.

Building - Any structure erected for the support, shelter, or enclosure of persons, animal, chattels or movable property of any kind.

Business - Any establishment, occupation, employment or enterprise wherein merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

Canopy - A roof-like structure either attached to or detached from a permitted building, open on all sides, other than where attached; which is located over and designed to provide cover for entrances, exits, walkways, and approved off-street vehicle service areas.

Copy - Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

Dwelling - A building, or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including one-family dwellings, two-family dwellings, and multiple family dwellings; but not including hotels, motels, commercial boarding or rooming houses, tourist homes and trailers.

Establishment - Any of the following definitions shall apply:

1. A distinct business entity situated in a single building;
2. A distinct business entity located in a structure attached to other similar structures by common walls and ceilings or floors, or attached by means of an enclosed arcade;
3. A distinct business entity contained within a single structure and not separated by walls other physical barriers but made distinct due to its existence as a single lease space and operation by separate entrepreneurs or by its singularity of purpose (such as clothing sales, furniture sales, and so on) carried on by a single or separate proprietor.

Fascia - A horizontal piece covering the joint between the top of a wall and the projecting eaves.

Home Occupation - An occupation or enterprise conducted in a dwelling unit that is located within a residential district. Such uses include professional offices, photo or art studios, or similar uses.

Industry - An enterprise that involves the production, assembly, processing or storage of materials, goods or products.

Lot - A parcel or portion of land in a subdivision or plat of land separated from other parcels or portions by description, as on a subdivision or record of survey map or by metes and bounds for the purpose of sale or lease or separate use thereof.

Lot Line - A property boundary line of any lot held in single or separate ownership.

Off-Premise Advertising Sign - A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which the said sign is located, e.g., billboards or outdoor advertising.

Pennant - Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind. See also Sign, Animated.

Roof Line - The top edge of a peaked roof or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

Setback - The minimum horizontal distance from a building, hedge, fence, wall or structure to the street or lot line.

Sign - Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

Sign, Animated. A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from Electronic Message Center or Dynamic signs as defined and regulated by this Code, include the following types:

Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, streamers and/or other devices or displays that respond to naturally occurring external motivation.

Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.

Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Sign, Campaign - A temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a governmental election.

Sign, Canopy or Awning - An identification sign affixed to or printed upon the visible surfaces of an attached or freestanding canopy, awning or marquee. Such identification signage shall be considered a type of wall sign provided the canopy, awning or marquee and the sign upon it meet the requirements set forth in Section VI.

Sign, Changeable Copy - A sign on which copy is changed manually in the field. Such signs may be portable or permanently installed.

Sign, Directional - A sign, the primary function of which is to provide locational directions.

Sign, Electronic Message Center (EMC) - An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as a Dynamic Sign. EMCs typically use light emitting diodes (LEDs) as a lighting source.

Sign, Freestanding - A sign which is not affixed to any part of any building and which is rather supported by upright braces or posts placed in the ground.

Sign, Gross Surface Area of - The area of a sign face or element (which is also the sign area of a wall sign or other sign with only one face) shall be defined as the area of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral section of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Gross surface area of the sign does not include any supporting framework, bracing or decorative fence or wall when such supporting device otherwise meets the regulations of this Ordinance and is clearly incidental to the display itself. Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 45 degrees or less, only one display face shall be counted in computing the sign area. If the two faces of a double-faced sign are of unequal area, the area of the larger sign face shall be counted as the sign's area. In all other cases, the areas of all faces of a multi-faced sign shall be added together to compute the area of the sign.

Sign, Height of - The height of a freestanding sign shall be calculated from the point at which the signpost or posts meets or enters the ground, to the top of the uppermost component of the sign structure.

Sign, Identification - A sign, the primary function of which is to identify an establishment located upon the premises where such sign is located, or to which such sign is affixed. Signs identifying industrial establishments may secondarily call attention to the products, goods or materials, which are produced, processed, assembled, or stored, upon the premises.

Sign, Illuminated - Any sign upon which artificial light is directed or which has an interior light source.

Sign, Incidental - A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located. Examples: "Entrance", "Exit", "No Parking", "No Trespassing", "ATM", etc. No sign with a commercial message that is legible from a position off of the lot will be considered as incidental.

Sign, Noncommercial Opinion or Expression - A sign which does not advertise products, goods, businesses or services and which expresses an opinion, statement or point of view.

Sign, Portable - A sign mounted on a frame or chassis, designed to be easily relocated, and not meant to be permanently affixed to buildings, poles or the ground.

Sign, Projecting - A sign which is affixed to the wall of a building and which extends outward from the building wall.

Sign, Roof - A sign erected or attached in whole or in part upon the roof of a building, or a non-freestanding sign which projects above the roof line of the building to which it is affixed.

Sign, Snipe - A temporary sign or poster affixed to a tree, fence, utility pole or other vertical surface which is not intended to be a signboard.

Sign, Structure - The supports, uprights, bracing and framework for a sign including the sign surface itself. In the case of a wall sign, the sign surface constitutes the sign structure. In the case of a sign structure consisting of two or more sides, where the interior angle formed between any of the sides exceeds 45 degrees each side shall be considered a separate sign structure.

Sign, Temporary - A sign or advertising display that is not embedded in the ground or permanently mounted to a building or sign structure that is permanently embedded in the ground. Rummage/garage sale signs and retailers' signs temporarily displayed for the purpose of informing the public of a special event, grand opening, sale or special offer are examples of temporary signs.

Sign, Wall or Fascia - A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projections to which it is affixed.

Sign, Window - A sign installed inside a window and intended to be viewed from the outside. Window graphics are to be considered window signs and are

subject to the applicable standards. Signs propped in, or taped to, windows and not permanently mounted, are considered to be temporary signs.

Spinner - Any device consisting of lightweight vanes that are designed to revolve or attract attention in general. Also referred to as a pinwheel. See Signs, Animated.

Streamer - Any fluttering or flexible material designed to move in the wind and to attract attention. Usually made of a lightweight plastic, fabric or other material and suspended in serial fashion from a rope, wire or string. See also Signs, Animated.

Street Line - The common boundary line of a street right-of-way and abutting property.

Use - the purpose or activity, for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Wall Area - The square footage of the side of a building, including doors and windows, taking into account only the first two stories. The fascia is considered to be part of the wall. Each street frontage is considered separately when determining whether or not size limitations are being met.

SECTION IV. GENERAL SIGN STANDARDS

General sign standards apply to all permitted and legal nonconforming signs.

- A. Construction and Attachment - All signs in the City shall be designed and constructed or affixed to buildings in such a manner as to comply with the most current State of Minnesota building codes as they pertain to signage. All electrical aspects thereof are to be consistent with and as required by the State of Minnesota Electrical Code.
- B. Maintenance - All signs shall be maintained and repaired, as necessary, to keep them in good repair. Any sign or sign structure which may be, or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the licensee, owner, or agent of the owner of the property upon which the sign stands upon written notice of the Building Official. Window graphics must not become unsightly or illegible. Chipped or peeling areas must be removed, repaired or replaced.
- C. Sign Area - The gross surface area of signs shall be no greater than as specified herein (see Sections V and VI).
- D. Sign Height - The height of the top edge of a freestanding sign shall not exceed the limits as specified herein (Sections V and VI). Furthermore, the height of the lowest edge of a projecting sign shall be no lower than as specified herein (Sections V and VI).
- E. Setbacks - All signs shall be setback on the front, rear and side yards as stated in Section VI. At the discretion of the Building Official, setbacks

in any district may be increased at intersections or other areas where signs may obstruct vehicular sight lines.

- F. Illumination - All illuminated signs shall have a shielded light source and concealed wiring and conduit and shall not interfere with traffic signalization. The beam of light shall not shine directly upon any part of a residence or into the street. No revolving beams or beacons shall be used. Signs with light sources or reflective qualities of such brightness that constitute a hazard or nuisance as determined by the building official are prohibited.
- G. Electronic Message Centers - All EMC signs shall comply with the following special requirements:
 - a. Such signs may be used only to advertise activities and events conducted on the premises or activities and events off premises if the off premises activities and events being advertised are taking place on a contiguous lot. The signs may also be used to present time, date, temperature, or information concerning civic events.
 - b. Signs may have multiple static displays or segmented messages, subject to all of the following restrictions:
 - i. Each change of message shall be accomplished in one (1) second or less.
 - ii. Each message shall remain in a fixed position for at least eight (8) seconds.
 - iii. Fade or dissolve techniques employed during transition may not have the appearance of moving text or images.
 - c. Brightness: not to exceed .3 foot-candles above ambient light. Such measurements are to be taken using a foot-candle meter at an appropriate distance, depending on sign area, from the sign. (See table below.) Signs shall be equipped with automatic dimmer controls to automatically adjust brightness in correlation with ambient light conditions.
 - d. The following display features and functions are prohibited: continuous scrolling and/or traveling, flashing, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusory movement or simulating movement. Full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC is also prohibited.
 - e. Signs must be equipped with a feature that will turn off the display if the sign malfunctions.
 - f. EMC signage must be placed at least 50 feet from a residential lot line.
 - g. Brightness Measurement Table:

Sign Area (square feet)	Measurement Distance (feet)	Sign Area (square feet)	Measurement Distance (feet)
10	32	55	74
15	39	60	77
20	45	65	81
25	50	70	84
30	55	75	87
35	59	80	89
40	63	85	92
45	67	90	95
50	71	95	97
55	74	100	100

- H. Placement of Signs - No sign shall obscure any traffic-control signal from the vision of any motorist in a moving traffic lane or be placed within 150 feet of such signal. Signs shall not be attached to public utility poles, fences or other vertical surfaces, which are not intended to be signboards. No signs shall be placed within the public right-of-way, nor shall any sign obstruct access to fire escapes of required windows, doors, exits or standpipes. Signs erected or affixed on roofs are prohibited, as are wall signs that project more than 12 inches above the building soffit or eave height. Signs and/or logos shall not be painted directly upon any natural surface such as rocks or trees, nor shall any signs be painted directly on the roof or walls of a building.
- I. Content of Signs - Except for traffic signs and legal notices, no sign visible from the street shall use words, phrases, symbols or characters with the intent of simulating a public safety warning or traffic sign. No signs shall contain images, profanity or other language that is considered to be obscene or offensive to the general public.
- J. Sign Labeling - Every freestanding on- or off-premises sign structure erected in the City shall have noted, in a conspicuous place thereon, the name of the firm that manufactured the sign and the permit number. Wall, window and awning or fascia signs are exempt from this requirement.
- K. MNDOT Compliance - If approval from MNDOT (Minnesota Department of Transportation) is required, evidence of such approval must be submitted as part of the City of La Crescent sign permit

application. MNDOT approval does not supersede or in any way replace City approval that in all cases will still be required.

SECTION V. ALLOWED SIGNS - No Permit Required

The following types of signs do not require a permit as long as they comply with the general sign standards set forth in Section IV. Some additional restrictions may apply and are herein described.

- A. Governmental Signs - Signs erected by the City or other governmental agency (school district) identifying and/or informing residents and visitors of the location of municipal and other public buildings, as well as signs advertising the City. The square footage and height of any such sign shall not exceed the dimensions outlined for signage in the Central Business District, and all relevant setback requirements for the district shall be followed.
- B. House/Name/Address Signs - Identification signs, clearly displaying street addresses of properties, not to exceed 2 square feet in area for each dwelling unit. For the benefit of emergency and delivery personnel, house numbers must be written in numeric symbols of at least 4" in height. The numbers must be placed in such a way as to be clearly visible from the street. The best location is on the home itself.
- C. Legal Notices - Legal notices, danger and other such temporary, emergency or non-advertising signs as may be approved by the City Building Official.
- D. Noncommercial Opinion or Expression Signs - One sign is allowed on any property, with the consent of the property owner; provided that it is not an illuminated sign, it does not exceed 4 square feet, it is erected and maintained in accordance with General Sign Standards (Section IV), and it is not otherwise prohibited by City Ordinances.
- E. Religious/Patriotic Signs - Decorations connected with civic, patriotic or religious holidays.
- F. Incidental Signs - Incidental signs, provided that they are limited to less than 4 square feet in area.
- G. Outdoor Product Price Signs - Such signs are allowed provided that they are contained in a freestanding low profile (less than 4 feet in height) display, and each sign is no larger than 1 square foot in area. This applies only to products displayed for sale or dispensed outdoors.
- H. Temporary Signs - Temporary signs are allowed as follows:
 - a. Garage or Rummage Sale Signs - Garage or rummage sale signs are allowed on the day of the sale only and must be removed within 24 hours of the conclusion of the sale. The signs may be placed on the premises of the sale or on other privately-owned

property with the permission of the property owner. No signs shall be affixed to utility poles, traffic signs or other vertical surfaces in the public right of way.

- b. Construction Signs - Contractor signs are allowed on any property where a building permit has been issued. The sign area of such signs shall not exceed 16 square feet in the aggregate for single residential lots and 30 square feet in the aggregate for multiple residential lots or a residential subdivision. Signs shall be removed upon building completion.
- c. Political Signs - Portable and freestanding campaign signs of any size are allowed pursuant to MN Statutes Chapter 211B.045 from the period August 1 through 10 days after the election. Freestanding campaign signs may be installed only upon private property with the permission of the property owner who shall be responsible for removal thereof. The candidate or his agents shall be held responsible for any improperly placed or otherwise illegal campaign signs.
- d. Portable Signs - Portable signs are allowed for up to twenty (20) days in one location provided they: are less than 36 square feet on each face; are placed on private property; do not obstruct the view of motorists; are either not externally illuminated or, if internally illuminated, are not operated between the hours of 10 PM and 6 AM; and comply with all other parameters of the sign ordinance.
- e. Real Estate Signs - Temporary freestanding or wall signs for the purpose of selling or leasing individual lots or entire buildings; provided that such signs shall not exceed 9 square feet in area for single residential lots and 32 square feet in area for multiple residential lots, residential subdivisions or commercial and industrial property. Only one such freestanding or wall sign is permitted for each property. The sign must be removed within 10 days following the lease or sale. Temporary freestanding off-site real estate signs announcing an "open house" or similar activity for the purpose of showing or displaying a home for sale are permitted provided that: the off-site sign is located on privately-owned residential property and there is no objection to the display of the sign on the part of that property owner, the off-site sign is displayed only during the time of the "open house" or showing, and the size of the off-site sign does not exceed 6 square feet in area.
- f. Sidewalk Signs - One sidewalk sign per business location is allowed in all but residential districts. Sidewalk signs must not exceed 6 square feet in area, may not take up more than one

quarter of the sidewalk area and must be made of weatherproof material. A sidewalk sign may only be displayed during normal working hours of the business being advertised.

g. Special Promotion, Event and Grand Opening Signs - Signs, streamers, pennants or banners temporarily displayed to advertise special promotions, sales, events and grand openings shall be permitted for nonresidential uses in a residential district, and in all commercial and industrial districts subject to the following limitations:

- i. Such signs shall be permitted only on the premises of the event, sale or grand opening.
- ii. Any sign remaining for an uninterrupted period of more than 60 days, or erected more than 2 times per year, shall be considered a permanent sign, and will require a permit. Businesses with frequent promotions are encouraged to use permanently installed changeable copy signs.
- iii. The total area of all such signs shall not exceed 4 square feet in any residential district, and 20 square feet in the central business, commercial or industrial districts.
- iv. All such signs or banners shall be securely fastened to walls, to the ground or to other fixed surfaces so that they remain in place, in good repair, for the duration of the event, sale or promotion. Temporary window signs are permitted if they are fastened to, or set against, the interior of the window.

h. Seasonal lighting and/or displays.

I. Traffic Signs - All official traffic signs legally erected by, pursuant to and consistent with Federal Highway regulations and the laws and regulations of the State of Minnesota and/or the City of La Crescent.

SECTION VI. ALLOWED SIGNS - Permit Required

The following types of signs must comply with the General Sign Standards outlined above as well as the restrictions outlined below and require a permit from the City. See SECTION X. Permit Process. Electronic Message Center (Dynamic) signage is allowed only in the Commercial/Industrial District.

A. Central Business District

1. Freestanding Signs - One on-premise freestanding sign per building, provided that said sign does not exceed 48 square feet in area for a single tenant building or 60 square feet in area for a multiple tenant building. Signs shall not exceed 15 feet in height.

Posts or anchoring mechanisms for the sign shall not be located on public property. Front, rear and side back setback requirements for the District must be followed when positioning sign. Posts or anchoring mechanisms for the sign shall not be located on public property.

2. Wall or Fascia Signs - Wall signs are permitted on each street frontage provided that the area of all signage on each street or alley frontage does not exceed 25 percent of the wall area. This limitation is to be applied individually to each street frontage. Additionally, wall signs not exceeding 10 percent of said wall are permitted on each building frontage abutting a public parking lot accommodating 25 or more cars providing that all land abutting all sides of the parking lot is either public right-of-way or commercially zoned property.
3. Projecting Signs - A projecting sign may not exceed 20 square feet in area, nor may it project more than 6 feet out from the wall to which it is affixed. No projecting sign shall extend beyond the curb line of any public street or right-of-way. Projecting signs must maintain a minimum clearance between the bottom of the sign and the finished grade of 8.5 feet.
4. Window Signs - Window signs are permitted provided that the area of the signage does not exceed 25 percent of the window area; and that the total area of all window, wall and fascia signage on the same street frontage does not exceed 25 percent of the wall area. Windowpanes on entrance doors may not have more than 25% of the gross surface area of the glass pane covered by signage in order to avoid obstructing the view of persons entering and exiting the building.
5. Canopy or Awning Signs - Canopy or awning signs shall not exceed 75 percent of the exterior, viewable surfaces of the canopy or awning. In the case of a canopy or awning that is attached to the building, the area of canopy/awning signage, together with the area of all wall, window and fascia signage on the same street frontage, shall not exceed 25 percent of the wall area.
6. Off-Premises Signs - Off premise or billboard signs shall only be allowed in the Central Business District on a modified "cap and replace" bases as defined in VI(B)(6).

B. Commercial and Industrial Districts

1. Freestanding Signs - One on-premises freestanding sign/ per building is permitted provided said sign does not exceed 150 square feet in area, 25 feet in height, and is not placed closer than 10 feet from any street right-of-way. The freestanding sign described

herein may contain off-premises advertising if the freestanding sign complies with the requirements of this provision and the off premises establishment advertised is located on a lot that is immediately adjacent to the lot on which the freestanding sign is located. Front, rear and side back setback requirements for the District must be followed when positioning sign. Posts or anchoring mechanisms for the sign shall not be located on public property.

2. Projecting Signs - Projecting signs are allowed when the sign is to be attached to a building that has a setback of 10 feet or less from the street right-of-way. Such projecting signs shall not overhang the right-of-way. A projecting sign may not exceed 24 square feet in area and must maintain a minimum clearance between the bottom of the sign and the finished grade of 8.5 feet.
3. Wall or Fascia Signs - Wall signs are permitted on each street or alley frontage provided said signs do not exceed 25 percent of the wall area. This limitation is to be applied individually to each street frontage. Additionally, wall signs not exceeding 10 percent of said wall area are permitted on each building frontage abutting a public parking lot accommodating 25 or more cars providing that all land abutting all sides of the parking lot is either public right-of-way or commercially zoned property.
4. Window Signs - Window signs are permitted provided that the area of the signage does not exceed 25 percent of the window area; and that the total area of all window, wall and fascia signage on the same street frontage does not exceed 25 percent of the wall area. Windowpanes on entrance doors may not have more than 25% of the gross surface area of the glass pane covered by signage in order to avoid obstructing the view of persons entering and exiting the building.
5. Canopy or Awning Signs - Canopy or awning signs shall not exceed 75 percent of the exterior, viewable surfaces of the canopy or awning. In the case of a canopy or awning that is attached to the building, the area of canopy/awning signage, together with the area of all wall, window and fascia signage on the same street frontage, shall not exceed 25 percent of the wall area.
6. Off-Premises Signs - Other than Paragraph B(1) above, off premise or billboard signs shall only be allowed on a modified "cap and replace" basis.
 - a. Capitation - As of the date of the adoption of this ordinance, a complete inventory of existing off-premise signs shall be prepared. The inventory shall contain information pertaining to the size, height, location, ownership and permit number of the

sign. All inventoried signs may remain in place, as legal non-conforming signs, for as long as they are properly maintained and utilized (Section VIII). No additional signs are allowed. The inventoried signs may not be altered in such a manner as to enhance their size, to raise their height or to change their location.

- b. Replacement - Inventoried signs may be replaced at the end of their useful lives, or earlier if destroyed by circumstances out of the control of the owner of the sign. All replacement signs must meet the sign requirements outlined in Section VI. B. 6. c. below. Any signs which are allowed to fall into disrepair, or which carry no commercial or public service message for more than 6 continuous months will be considered abandoned. Abandoned signs are a nuisance, must be removed pursuant to Section X under this Ordinance and will not be eligible for replacement.
- c. Requirements for Replacement Signs - All replacement signs must meet the following requirements, as well as any requirements set forth in regulations promulgated by State or Federal governmental agencies.
 1. Location -
 - a. Highway 14/61 (the Pike) from 1,400 feet west of Twilite Street east to the City limits, on the south side of the roadway.
 - b. Highway 14/61 from Houston County 6 north to the City limits.
 2. Height - Maximum height is 20 feet above the centerline of the adjacent roadway.
 3. Size - Maximum sign area is 300 square feet per facing, not to exceed two facings. Double-sided signs shall be attached back to back. Signs connected at one edge, with the two faces forming an interior angle of 30 degrees or less shall be considered to be back to back.
 4. Spacing - 300 linear feet from any other such sign on either side of the street or roadway. Not closer than 300 linear feet from the intersection of two or more streets or highways as measured from the centerlines of the roadway intersection.
 5. Identification - All billboard signs shall have noted on their face the name of the firm, which manufactured the sign, and the sign permit number.

C. Residential

1. Home Occupations and Special Home Occupations - One wall sign per dwelling, the maximum size to be 2 square feet. Standard house numbers used to identify the property are not considered to be home occupation signs.
2. Multiple Family Dwellings - One wall or freestanding identification sign per building not to exceed 10 square feet in area. Freestanding sign must not exceed 5 feet in height nor be placed within 10 feet of any right-of-way.
3. Churches or other Conditional Use Buildings - One wall or freestanding sign per building. Height and size restrictions shall be as outlined for signs in the Central Business District.

SECTION VII. PROHIBITED SIGNS

The following types of signs are prohibited within the City of La Crescent.

- A. Animated Signs. Such signage is prohibited except as allowed for under "Temporary Signs" section 152.21 (H).
- B. Portable Signs. Such signage is prohibited except as allowed for under "Temporary Signs" section 152.21 (H). Signs painted on a commercial vehicle, if that vehicle is parked at a commercial premise or utilized in such a manner as to obviously and primarily constitute a static display advertising a business, product or service to the public, shall also be considered to be portable signs.
- C. Signs that violate general sign standards with regard to construction, maintenance, size, setbacks, illumination, obsolescence, placement, content and labeling. (See Section IV.)
- D. All other signs not expressly permitted by this ordinance.

SECTION VIII. NONCONFORMING USES

Any sign legally existing and covered by a proper sign permit at the time of the enactment of these code provisions, but not conforming to the provisions hereof, is eligible for characterization as a legal nonconforming sign. It may remain, provided it is maintained according to the requirements set forth in the general sign standards, except for the following: it may not be expanded, raised in height or replaced, it may not be repaired or rebuilt if more than 50% of the structure is destroyed, and it may not again be used if use thereof is discontinued or abandoned for a continuous period of 6 months.

If a legal nonconforming sign is not maintained in good repair, the Building Official shall notify the owner thereof and order him to repair the sign within a

specified time, not less than 30 calendar days. If the necessary repairs are not completed within the time specified, the Building Official shall notify the owner of the sign and the owner of the real property on which said sign is located that the sign must be removed from the property. See Section X.

If the Building Official finds that the sign has deteriorated to a point where it is valued at less than 50% of its replacement value, the Building Official shall notify the owner of the sign and the owner of the real property on which said sign is located that the sign must be removed from the property. See Section X.

SECTION IX. REMOVAL OF SIGNS

Signs that do not conform to the sign ordinance, and which lack a regular or conditional sign permit, may be ordered to be removed. Any sign in the City which must be removed pursuant to any of the foregoing provisions, shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which such sign is located. Such removal shall be effected within 30 days after written notification is received from the Building Official ordering such removal. Upon failure by any such owner, agent or person to comply with such notice within the time specified in such removal order, the Building Official with the prior authorization and direction of the City Council shall cause the removal of such sign. Any expense incident to such sign removal together with all expenses incident thereto including legal expense incurred by the City shall be paid by the owner of the land whereon the building, structure or property to which the sign is attached. The total expenses thereof, if not paid upon due demand, shall be certified by the City Clerk to the Houston County Auditor for payment as a special assessment against the land whereon such sign or structure was located. The owner of the property from which the sign is removed shall be presumed to be the owner of all signs thereon for purpose of implementation of the foregoing assessment procedure.

Nothing in this Section shall be construed to prevent the earlier or immediate removal, under the same provisions, of nonconforming signs which by reason of their lack of appropriate maintenance, hazardous location or some other reason are deemed by the Building Official of the City of La Crescent to be dilapidated, dangerous or in violation of the herein incorporated rules and regulations of some other authority having appropriate jurisdiction other than the City of La Crescent.

SECTION X. PERMIT PROCESS

If a sign requiring a sign permit under this Ordinance is to be placed, constructed or modified on a site, the owner or agent of the site shall secure a sign permit prior to the construction, placement, erection or structural modification of such sign. The process is outlined as follows.

- A. Permit Application and Fee: Permits shall be applied for on forms approved by the City Council, obtainable at the office of the City Building Official. Each application for a permit shall be accompanied by the required sign permit fee and must provide the following information:
1. Name, address, telephone number and status of the applicant. The applicant must be the owner or agent of the building, structure or land to which or upon which the sign is to be placed or installed.
 2. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 3. Dimensions of the proposed signage: area, height, and clearance over sidewalks. Dimensions of the building to which the sign will be attached, if applicable.
 4. Information relative to illumination of signage.
 5. Details about the placement of the sign in relation to nearby structures or roadways.
 - i. Evidence of MNDOT approval if required.
 6. Construction details to the extent requested by the City Building Official.
 - i. Two blueprints or ink drawings of the plans or specifications and method of construction and attachment to the building or in the ground.
 - ii. A copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and code provisions of the City.
 7. Name of person, firm, corporation or association erecting the sign.
 8. Such other additional information as the Building Official shall require in order to determine compliance with this Ordinance and other applicable code provisions of the City.
- B. Review and Approval: Upon receipt of a complete application and fee, the Building Official shall review same and within 10 days shall either approve the application and issue the permit or shall deny the permit if the sign fails to comply in any respect to applicable standards of this Ordinance. In the case of a rejection, the Building Official shall identify those sections of this Ordinance with which the sign is inconsistent.

- C. Lapse of Approval: If an approved sign has not been erected or put into place within 6 months of the issuance of the permit, the permit shall lapse and be of no further effect.

SECTION XI. VARIANCES

A variance is a modification or relaxation of the provisions of this Ordinance and may be granted in instances where it is determined that by reason of special and unusual circumstances unique to the individual property under consideration, strict enforcement of the sign ordinance would cause undue hardship, or that strict conformity with the provisions of this Ordinance would be unreasonable and granting a variance would be in keeping with the spirit and intent of the Ordinance. "Undue hardship" in connection with the granting of a variance means that the property in question cannot be reasonably used unless regulations otherwise applicable are modified and that the hardship is due to circumstances unique to the property and not created by the landowner. The variance, if granted, shall not alter the essential character of the locality, nor shall it be materially detrimental to the property owners in the vicinity. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists. Applications for variances under the Sign Ordinance shall be made in a manner consistent with the rules for applying for variances under the Zoning Ordinances.

SECTION XII. ADMINISTRATION and ENFORCEMENT

Violations of the provisions of this ordinance are misdemeanors and upon conviction thereof are punishable in accordance with the laws of the State of Minnesota. The City may, at its discretion, charge violations of this ordinance as petty misdemeanors in which case punishment upon conviction shall be in accordance with the laws of the State of Minnesota for petty misdemeanors. The City may institute actions in equity or at law to enjoin or abate violations and each day a violation exists constitutes a separate offense. All violations of this ordinance are nuisances and prosecutable as such and/or subject to injunction or abatement in an appropriate civil action.

The Building Official or any such other official as may be designated by City Council Resolution is vested with the authority to enforce the provisions of this ordinance. Institution of enforcement as misdemeanor or petty misdemeanor shall not preclude subsequent actions at law or in equity.

SECTION XIII. CONFLICTING REGULATION - SEVERABILITY

Any other regulation of the City of La Crescent, conflicting with the regulations hereinbefore contained, are hereby, to that extent, repealed. In the event other regulations are consistent herewith, but one or the other more restrictive, the more restrictive shall control. In the event any provision hereof is declared invalid by a Court of competent jurisdiction, all other provisions of this ordinance shall remain in full force and effect.

SECTION XIV. EFFECTIVE DATE

This Ordinance shall become effective upon its due passage and enactment and publication according to law.

SECTION XX. REPEAL

Ordinance No. 497, an Ordinance providing for the regulation of signs in the City of La Crescent dated August 10, 2015 is hereby repealed upon this Ordinance becoming effective.

Passed and enacted this 25th day of March, 2019.

APPROVED:

Mayor

ATTEST:

City Administrator

word "structure"; the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased" or "intended to be used"; the "may" is permissive; and the word "shall" is mandatory and not discretionary. The masculine gender includes the feminine and neuter genders.

Subd. 2. DEFINITIONS REFERENCED. Definitions used in this ordinance are included in Section 12.55.

12.04 ADMINISTRATIVE PROCEDURES

Subd. 1. PUBLIC HEARINGS. A public hearing is required for the following applications: zoning text and map amendment, Conditional Use Permits, amendments and revocations; Preliminary Plats; Minor Subdivisions, Planned Unit Developments (PUD's), Interim Use Permits, amendments and revocations and vacations of public right of way or drainage easement. A notice of the time, place, and purpose of the hearing shall be published in the official newspaper of La Crescent at least ten days prior to the day of the hearing. When a public hearing involves changes in district boundaries or is a required hearing for a zoning permit, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the hearing relates. For the purpose of giving mailed notice, the Building Official may use the appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the Building Official and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners shall not negate the proceedings of such hearing provided a bona fide attempt to comply with these procedures has been made. All applicants shall provide the list of the owners and addresses secured from the Houston County Recorder to which the notice is to be sent.

Subd. 2. PUBLIC MEETINGS. Where, in the administration of this ordinance, a public meeting is required, said meeting shall occur at a regularly scheduled meeting of the meeting body or at a special meeting only after public notification of said special meeting by public posting.

Subd. 3. TEXT AMENDMENTS AND DISTRICT CHANGES. Whenever the public necessity to maintain the integrity of this ordinance requires it, the City Council may, by ordinance, amend the text of this ordinance or change the district boundaries shown on the Zoning Map. Such changes shall be made only after the Planning Commission has held a public hearing and made a recommendation to the City Council. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the municipality at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the Building Official for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the Building Official and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual

property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

Subd. 4. INITIATING CHANGES. Text amendments or district boundary changes may be initiated by either the City Council or Planning Commission. In addition, district boundary changes may be initiated by petition by any property owner within the boundary change area. Property owner petitions shall be submitted to the Building Official three weeks (21 days) prior to the Planning Commission meeting at which the petition is to be heard. The property owner petition for change shall include a legal description of the property to be changed, a description of the existing and intended use of the property lines of the change area and adjacent properties, and the required filing fee. Approval of a request shall require passage by a majority vote of the entire City Council, except an amendment changing a district from residential to commercial or industrial shall require a two-thirds majority vote of all members.

Subd. 5. DEADLINE FOR ACTIONS. Pursuant to Minnesota Statutes, Section 15.99, a written request for zoning action shall be approved or denied within sixty (60) days of the receipt of a complete application with the following considerations:

Failure to act within this time frame approves the request.

Any denial must state in writing the reasons for the denial.

The City has fifteen (15) business days after the receipt of any part of the application to inform the applicant in writing that the application is missing a required element.

If an application is amended, the sixty (60) day period begins again upon receipt of a complete amended application.

The City may extend the review period by up to sixty (60) days if it provides the applicant written notice of and the reasons for the extension prior to the end of the initial sixty (60) day period.

12.05 ZONING BOARD OF APPEALS

Subd. 1. ZONING BOARD OF APPEALS. The Zoning Board of Appeals shall be the City Council.

Subd. 2. ACTIONS. The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing this Ordinance. Such appeal may be taken by any person, firm or corporation aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.

Subd. 3. APPEALS. Any person aggrieved by any decision of the Planning Commission or the Building Official regarding the administration of this Title may appeal to the Zoning Board of Appeals (City Council). All appeals hereunder must be filed in writing within 10 days of the decision, by filing with the Building Official a written notice of

appeal and including a statement of the alleged errors or omissions of the Planning Commission or city official.

If a decision of the Planning Commission is being appealed, the Building Official shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken. If a decision of the Building Official is being appealed, the Building Official shall first transmit to the Planning Commission all the papers constituting the record upon which the action appealed from was taken so that it can make a recommendation to the Zoning Board of Appeals.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the Zoning Board of Appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.

The Zoning Board of Appeals shall fix a reasonable time for hearing appeals, give public notice, consistent with 12.04 for public meetings, and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

The Zoning Board of Appeals may, in conformity with the provisions of this section, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determine appealed from and may make such order, requirement, decision or determination, as may be appropriate under the circumstances, and to that end shall have all the powers of the Building Official.

Subd. 4. HEARINGS. Hearings of the Zoning Board of Appeals shall be held within such time and upon such notice to interested parties as is provided for in State Statutes. The Board shall, within 60 days of such hearing, make its order upon the appellant or petitioner by mail. The reasons for the Board's decision shall be stated. Any party may appear at the hearing in person or by agent or attorney.

Subd. 5. JUDICIAL REVIEW. Any person aggrieved by any decision of the Zoning Board of Appeals may present to the District Court a verified petition setting forth that the decision or action is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within 10 days after the decision is filed in the office of the Zoning Board of Appeals. The petitioner must exhaust the remedies provided in this section before availing of the right to petition a court as provided by this section.

12.06 CONDITIONAL USE PERMITS

Subd. 1. PERMIT REQUIRED. It shall be unlawful to use any structure or land for any purpose requiring a conditional use permit in the zoning district in which the property is located without first obtaining a conditional use permit from the city. Where applicable, a building permit shall also be obtained from the city.

Subd. 2. CHANGES IN PERMITS. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the

CRITERIA FOR GRANTING VARIANCE

Zoning Ordinance states the following:

A variance is a modification or variation of the provision of this zoning code as applied to a specific piece of property.

Subd. 2.

A. Variances shall only be permitted

1. when they are in harmony with the general purposes and intent of the ordinance, and
2. when the variances are consistent with the comprehensive plan.

B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

Subd. 3. "Practical difficulties," as used in connection with the granting of a variance, means that

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.



Goals & Objectives

●●●●●●●●

Goal 1

Natural features and ecosystems in the La Crescent area will be conserved and restored.

Objectives

- 1.1. Local waterway health will improve through enhanced management of both urban and rural stormwater runoff.
- 1.2. Blufftops overlooking and visible from La Crescent and the approaching highways will be permanently protected from further development.
- 1.3. Existing residential development on blufftops and hillsides in and around the City will be obscured by mature trees.

Goal 2

Public access to and recreational use of parks, blufflands and waterways will be expanded and improved in the La Crescent area.

Objectives

- 2.1. There will be more hiking and biking trails and users in the bluffs around La Crescent.
- 2.2. There will be more access points to the wetlands north and south of the pike, and more non-motorized users enjoying those areas.
- 2.3. Public access improvements to natural areas will be designed to prevent or repair ecosystem damage and will be long-lasting with minimal maintenance requirements.
- 2.4. Downtown La Crescent will serve as a trailhead for a system of regional hiking, biking and boating trails.
- 2.5. Businesses tied to recreation uses will locate and thrive in La Crescent.
- 2.6. La Crescent parks will be highly utilized.
- 2.7. Parks and trails in the region will be clearly identified and easy to find and navigate.
- 2.8. As access to natural areas increases, there will continue to be wild and secluded places with limited human visitation.
- 2.9. Scenic views of the bluffs and wetlands will be enhanced through the removal of billboards.

Goal 3

La Crescent will be recognized as a leader in environmental stewardship and natural resource conservation.

Objectives

- 3.1. La Crescent will continue to be recognized as a leader in urban forestry.
- 3.2. There will be both public and private investments in renewable energy and energy efficiency that reduce local use of and reliance on non-renewable fossil fuels.
- 3.3. Residents, local businesses, and peer communities will learn about and be influenced by the City's efforts to manage and mitigate its impacts on the natural environment through the GreenStep Program.

Goal 4

There will be recreational opportunities for all ages and abilities, in support of the health and well-being of our community.

Objectives

- 4.1. City parks will include features accessible by wheelchair and/or by visitors with limited mobility.
- 4.2. The City's recreation programming will offer activities for residents of all ages and abilities.



Goals & Objectives

●●●●●●●●

Goal

La Crescent provides a safe, efficient, multi-modal and well-maintained transportation network that balances the needs of all users.

Objectives

1. Traffic growth, and corresponding facility improvements, will be managed in balance with cost, pedestrian, bicycle and neighborhood impact considerations.
2. Biking and walking in La Crescent will be safe, enjoyable and efficient, especially in regards to providing safe routes to schools.
3. Create a well connected and safe regional trail system.
4. Alternatives to single occupancy vehicle trips will increase as a percentage of all transportation trips within the City and to/from the rest of the La Crosse-La Crescent metro area.
5. Roadways will be designed, maintained and reconstructed to meet the needs of all users and to correspond to the needs and demands of surrounding land uses within a hierarchical system of functional classification.
6. Improvements to collector and arterial streets within La Crescent will continue to meet interstate and intrastate travel needs in balance with impacts to City neighborhoods.
7. Local transportation facilities and investments will be coordinated with regional facilities and investments.
8. Transportation corridors and gateways will be aesthetically attractive and enhance the image of the community.

Strategies

●●●●●●●●

1. Implement the recommendations contained in the 2013 City of La Crescent Bicycle and Pedestrian Plan and future updates to that plan (attached as Appendix D). The City will review the Bicycle and Pedestrian Plan (Appendix D) when updating the City's Capital Improvement Plan and during annual City budgeting discussions to incorporate pedestrian and bicycle improvement projects as may be reasonably addressed given budget constraints.
2. Gaps and safety deficiencies in the City's existing sidewalk and bicycle infrastructure will be systematically addressed through new facility construction. This will include both bike/ped improvement that run parallel to vehicle lanes (sidewalks, bike lanes, "sharrow" markings) and safety improvements for crossing vehicle lanes (crosswalks, curb bumpouts).
3. Improve street crossings with improved crosswalk markings, signs/signals, and/or curb bumpouts at the following high-priority locations as soon as possible:
 - Around the schools
 - 7th Street at Frank J. Kistler Memorial Park
 - TH 14/61 at 2nd St. (requires collaboration with MnDOT)
4. Budget every year for maintenance of effective crosswalk and bike lane street markings.
5. Complete a grade separated pedestrian and bicycle access across MN16/TH61 to improve access to the marsh and Mississippi River from the downtown area.
6. Follow Complete Streets principles, and amend the Complete Streets policy to address community health more broadly, including provisions for street trees and stormwater management. This means that every transportation project, including County or State projects in the City, will make the street network safer and healthier for everyone that uses the street in any way.



Strategies



15. The City encourages other adjacent local governments to consider requiring independent traffic impact analysis before approving potential developments that would significantly increase traffic on roadways through La Crescent to better understand potential impacts from new development and potential mitigation efforts.
16. When considering new development proposals the City will consider potential impacts to roadway traffic counts, accelerated maintenance needs/ costs, public safety, and neighborhood impacts. The City should investigate opportunities to require developers to provide additional funds for long-term maintenance needs as part of the approval of new development or annexation proposals.
17. Where appropriate, the City may designate weight restrictions or access restrictions to protect local streets and improve traffic flow and public safety for all users.
18. The City will work with La Crescent - Hokah School District to promote Safe Routes to School via education, evaluation and engineering, enforcement and encouragement (i.e. the "Five E's"). High priority strategies include:
 - Painting/marketing crosswalks,
 - Adding pedestrian crossing signs near intersections,
 - Adding more volunteer crossing guards,
 - Establishing a higher police presence before and after school.
19. The City will work with representatives from the Federal agencies, Department of Transportation, La Crosse Area Planning Committee, railroad companies, and surrounding Counties to raise awareness of local concerns when State and County highways or railroads in the area are slated for improvement. The City will inform the community about regional and state transportation projects and will encourage public involvement in regional transportation facility improvement planning. Enhancing safety of existing rail road facilities is an area of special concern.
20. Work with State and County agencies to provide scenic overlooks along their roadways to enhance regional tourism and recreation.
21. Work with State and County agencies to explore the possibility of extending 7th Street to MN 16/ South Chestnut Street to alleviate thru traffic in town and to complete a cost-benefit analysis of this potential facility, including impacts to adjacent property owners and the natural environment.
22. Work with Houston County to address the need for bike lanes and pedestrian safety improvements along all County roads through the City, including CSAH 6 and CSAH 25, ensuring safe routes for bikers and walkers in neighborhoods that rely upon those roads for access to the central part of the City.
23. Work with State and County agencies to maintain aesthetically pleasing transportation corridors and gateway entrances which reflect the community's charm and vision. This may include enhanced landscaping, artistic enhancements, clean-up of trash and debris, decorative lighting, improved community signage and removal of billboards.
24. Advocate with MnDOT to complete the realignment of Shore Acres Road where it meets 14/61, in support of redevelopment of the adjacent commercial area.

Goals & Objectives

.....

Goal 1

La Crescent will see modest growth in population and property value, with only limited geographic expansion.

Objectives

- 1.1. Increase the frequency of successful infill and redevelopment projects that add value and increase the use of existing City parcels.
- 1.2. Developable land in La Crescent Township deemed feasible for eventual sewer and water extension will be reserved for future urban use.
- 1.3. Investment in housing will emphasize the attraction of families with children to live in La Crescent.
- 1.4. Investments in school facilities will be integrated and coordinated with neighborhood planning, to support both educational needs and community vitality.
- 1.5. If the La Crescent-Hokah Elementary School is relocated from its current location on South Oak Street, the existing site will be redeveloped for housing, with an emphasis on formats desirable to families.

Goal 2

New development and redevelopment will maintain the City's small-town character and establish a reputation for environmental stewardship and investment in public health.

Objectives

- 2.1. New development will be compact, to use land and infrastructure efficiently, but it will generally not be tall, meaning typically four stories or less.
- 2.2. The use of on-site stormwater management techniques will increase, especially including natural filtration and infiltration of stormwater runoff.
- 2.3. The use of sustainable building materials, energy efficient construction and sustainable energy systems will increase.

2.4. There will be no new development on bluffs within or visible from La Crescent.

2.5. New development and uses will not diminish the quality of the air we breathe or the water we drink.

2.6. Parkland and/or amenities will continue to expand, at least commensurate with neighborhood and population growth.

Goal 3

Properties along the State and Federal highway corridors will be improved and redeveloped.

Objectives

- 3.1. Buildings will be improved or replaced with higher-quality materials and design.
- 3.2. Outdoor storage uses on these prominent sites will relocate and/or have improved screening.
- 3.3. Billboards will be removed.
- 3.4. There will be reinvestment in, or redevelopment of the mobile home parks, based on discussion with residents and property owners about their housing needs and interests. Redevelopment to another use that optimizes the highway exposure would be coupled with development of other housing that fits those residents' needs.
- 3.5. Encourage redevelopment of land between S. Oak St. and TH 16.





April 8th, 2022

Via U.S. Mail & Email

% Mr. Zach Schoh
Lamar Advertising of La Crosse (Fairway
Funding LLC)
1329 Interchange Place
La Crosse, WI 54603
zschoh@lamar.com

Howarth Family Living Trust - % Linda
Bangston
1165 S Archers Way
Nekoosa, WI 54457
(952) 913-0258
linda.bangston@bankoe.com

Dear Applicant:

On February 23rd, 2022 the City of La Crescent ("City") received your completed application for multiple variances for your property located at 504 Sycamore Street, La Crescent, Minnesota.

The City hereby notifies you that it is extending the time period for City action under Minn. Stat. § 15.99 subd. (3)(f). The initial 60-day time would expire on April 24, 2022. The time period is extended to June 23, 2022.

The reason for the extension is to allow the city adequate time to review, process and prepare for your requested appeal of the variance requests.

Sincerely,

Shawn Wetterlin
City of La Crescent Building Official

cc: Bill Waller, City Administrator (via email)
Jason Ludwigson, City Sustainability Coordinator (via email)
Larry Kirch (via email)

**CITY OF LA CRESCENT
NOTICE OF PUBLIC MEETING
APPEAL OF BOARD OF ADJUSTMENT**

Notice is hereby given that the City Council acting as the Zoning Board of Appeals of the City of La Crescent, Minnesota will hold a public meeting at the La Crescent City Hall, 315 Main Street, in said City on Wednesday, May 11th, 2022 at 5:30 P.M. to consider an appeal of the Board of Adjustment. The public meeting purpose is to consider an appeal of the denial of a variance request(s) to replace an off-premise advertising sign.

The appeal concerns certain premises situated in said City described as follows, to wit: more commonly identified as 504 Sycamore Street.

All persons having an interest in the matter will be given the opportunity to be heard with reference thereto.

Dated: April 27th, 2022

By order of the City Zoning Office

Jason Ludwigson
Sustainability Coordinator
P. O. Box 142
La Crescent, MN 55947

AFFIDAVIT OF POSTING NOTICE

The undersigned, being the duly appointed, qualified City Building/Zoning Official of the City of La Crescent, Houston County, Minnesota, hereby certifies that on the 27th day of April 2022 he posted a copy of the attached Notice at the following posting places in the City of La Crescent.

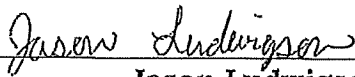
La Crescent City Hall

Merchants Bank

United States Post Office

This certification is made and executed pursuant to the requirements of Section 412.851, Minnesota General Statutes, as amended.

Dated at La Crescent, Minnesota, on this 27th day of April 2022.

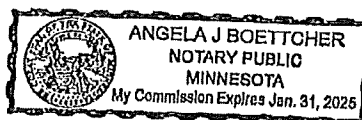


Jason Ludwigson
Sustainability Coordinator

Subscribed and sworn to me this 27th day of April 2022.



Notary



DRJ HOLDINGS LLC
847 REMINGTON ST
WEST SALEM, WI 54669

HOWARTH FAMILY LIVING TRUST, C/O LI
1165 S ARCHERS WAY
NEKOOSA, WI 54457


LA CRESCENT CITY OF MINNESOTA
315 MAIN ST
PO BOX 142
LA CRESCENT, MN 55947

SOO LINE RAILROAD COMPANY, 7TH FL
120 6TH ST S
MINNEAPOLIS, MN 55402

Growing from River to Ridge

CITY OF LA CRESCENT
315 Main Street
PO. BOX 142
La Crescent, MN 55947
P: (507) 895-2595
cityoflacrecent-mn.gov

Supplemental Information

Received May 4, 2022



1329 Interchange Place, La Crosse, WI 54603

April 7, 2022

La Crescent City Council
315 Main Street
La Crescent, MN 55947

RE: Appeal of Variance Denial from Planning Commission

Dear City Council Members:

This letter of appeal is in regards to the decision of denial made by the City Planning Commission regarding Lamar Advertising's variance application to rebuild a sign structure that came down in 2021 due to a storm and act of God outside the control of the owner of the sign.

Lamar Advertising met with the City Building and Zoning Administrator, to discuss replacing the sign. Lamar Advertising was told they were allowed to rebuild the structure as long as they met the replacement requirements outlined in the city's ordinance. Upon review of the requirements, it was determined that Lamar would have to apply for variances in order to rebuild. A variance application was submitted for the height and for spacing.

At the April 5th Planning Commission meeting, Community Development Director, Larry Kirch, outlined the variances Lamar needed, and recommended the committee deny Lamar the variances based on the request not being consistent with the City's comprehensive plan and not in harmony with the general purpose and intent of the sign ordinance.

During the meeting, some members of the committee voiced their personal opinions of the billboard industry and how they do not like them, that they are an eye sore, and that nobody uses billboards to advertise anymore, because everyone now has access to smart phones and social media. These personal feelings are not facts, and are far from the actual truth as to how much local businesses rely on our product/service. Committee members did not discuss the variances that Lamar was seeking; they only gave their personal feelings, which felt like an attack on our industry.

Lamar Advertising contends they were not given a fair review, and therefore requests an appeal of the decision made by the committee, and be allowed to present their case in front of the elected council.

Thank you,

Zach Schoh, Real Estate Manager, Lamar Advertising of La Crosse.

A handwritten signature in black ink, appearing to read "Zach Schoh", written in a cursive style.

La Crescent, MN – Rebuild of Billboard

La Crescent City Council – Special Meeting May, 11th 5:30pm

- Sign Application and Variance Application
 - Billboard #7014 came down in late fall of 2021 due to storm – act of God
 - Replace with new billboard that is smaller (10x30 each face), single steel monopole
- City Ordinance #417 – Signs in the City
 - SECTION VI – Allowed Signs – Permit Required
 - #6 Off-Premise Signs are allowed on “Cap and Replace” basis
 - Losing 4 signs on the Pike per US Fish and Wildlife federal laws and regulations
- No Residential homes affected, replacing a sign that has been there since 1977
- Old sign was approx. 960 square feet total, new design would only be 600 sq. feet total, with a max height of 23 feet from adjacent roadway (Sycamore St.) – Seeking 3 ft. height variance
- Meet all requirements, except height and spacing – variances applied for, and denied by Planning Commissions.
 - Planning Commissions members did not even discuss the variances, they only gave their personal opinions (not facts) of billboards.
 - Comprehensive plan contradicts the Ordinance and signs that are allowed.
- Neighboring property (Truss Company) to the south – Information letter sent, no dispute or arguments against.
- Improvements – One, single steel monopole that is structurally sound (can withstand hurricane winds), shorter in overall height and size, cat walk for operations team to perform maintenance tasks safely.
- Met with Shawn Wetterlin and Bill Waller to discuss the situation at hand
- Facts:
 - More and more demand for advertising in La Crescent, but space is limited.
 - More drivers on the road now than the previous two years with Covid.
 - 83% of drivers look at Billboards – Minnesota hands-free state.
 - Lamar wants a positive relationship with the City of La Crescent – Lamar of La Crosse is a small plant – 15 employees total, 3 of which live in La Crescent and are members of the community.
 - Local businesses should have the choice of how they advertise to promote their business.
 - Most importantly – Many local businesses support Lamar Advertising and having billboards in the community to help promote their goods and services, which in turn provides the City of La Crescent with more tax revenue.



Lamar Advertising has been in business for more than 120 years, and helps local businesses reach broad audiences every day. Advertising on billboards is a great way for local businesses to reach more people faster and cheaper than any other mass marketing media. Currently, 83% of drivers say that they look at billboards while driving or commuting. Lamar Advertising is PRO business, and provides a service/product that is proven to help businesses, especially local, small business like the ones in the community of La Crescent.

By signing this, we (as small business owners) support the idea of having billboards in our community to not only help us, but to bring more tax dollars to our community. We do NOT feel that billboards are a nuisance to our community, and feel that having a billboard in our industrial district does not diminish the scenic beauty of our town.

BUSINESS:

Colony's Pizza
Luboxrat Auto Repair
Kaddy's Kafe
SPORTS HUB
Preferred Auto Care
TJS Auto Glass
Graf Electric, Inc

OWNER:

Troy + Bryce Nolan
Trent + Trevor Boethlin
Lori, Amy, & Jenna
Ryan, Travis, & Jason
Joe Michaelhe
Amey Paul
Jeff



Zach Schoh <zschoh@lamar.com>

Support in La Crescent

Cheryl Dutton <cdutton@altra.org>
To: Zach Schoh <zschoh@lamar.com>

Mon, May 2, 2022 at 11:10 AM

Hi Zach,

I was out of the office on Friday and am just catching up. Yes, I do know you through the Olson's! Altra can support the rebuild of the structure. Here is a statement you can use with my title. Good luck!

"Altra Federal Credit Union is in support of having billboards in the La Crescent community. Billboards help us create brand awareness and drive traffic to our local office."

Let me know if you need anything else.



Cheryl Dutton

SVP, Chief Marketing Officer

1700 Oak Forest Dr. | Onalaska, WI 54650

p: 608.779.3082 | 800.755.0055 ext. 3082

e: cdutton@altra.org



Great Place to Work® Certified Organization

Put Altra in your mobile wallet. Purchase with privacy and security. Learn more about mobile wallet.

From: Zach Schoh <zschoh@lamar.com>
Sent: Monday, May 2, 2022 10:50 AM
To: Cheryl Dutton <cdutton@altra.org>
Subject: [External] Support in La Crescent

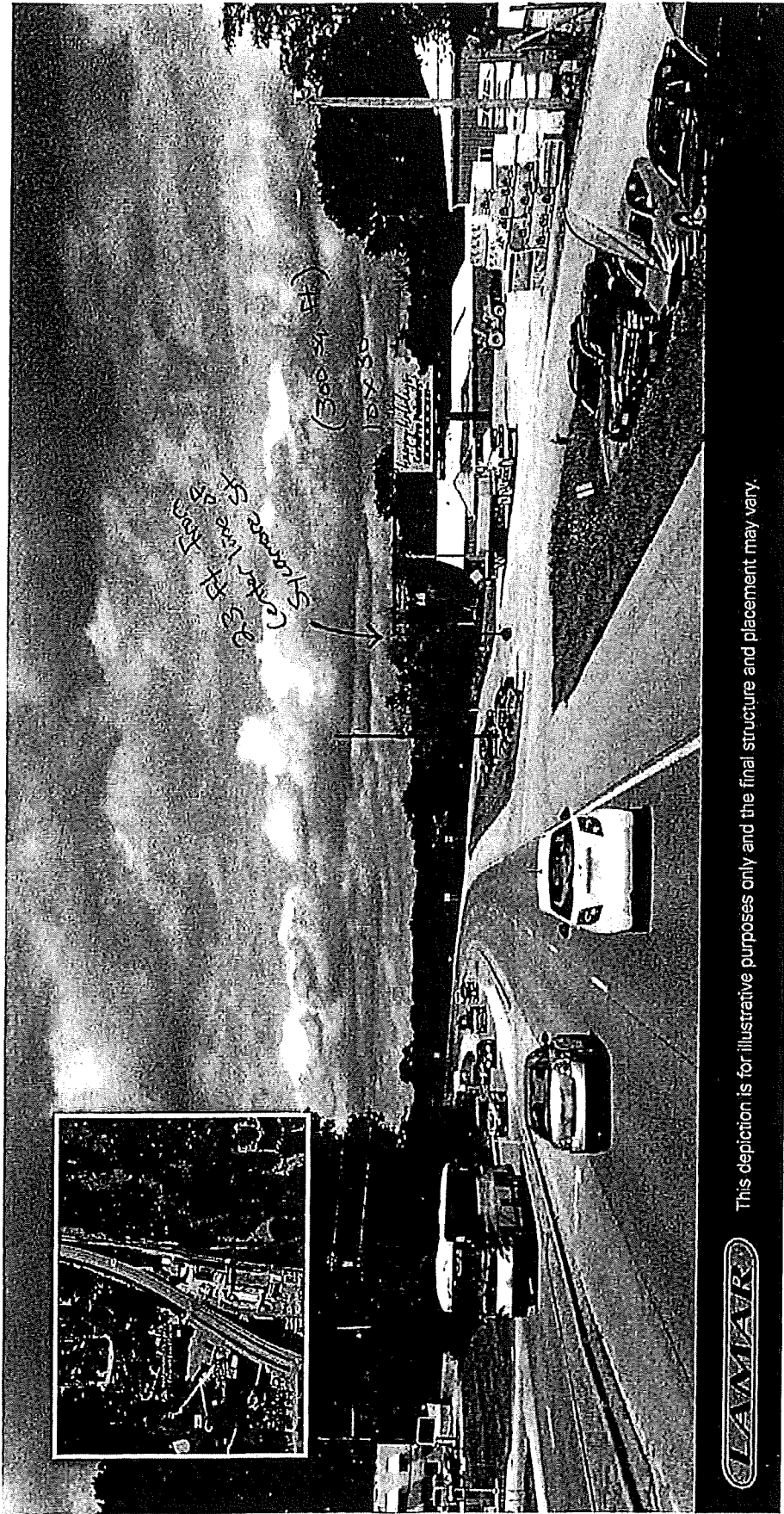
Important: External email.

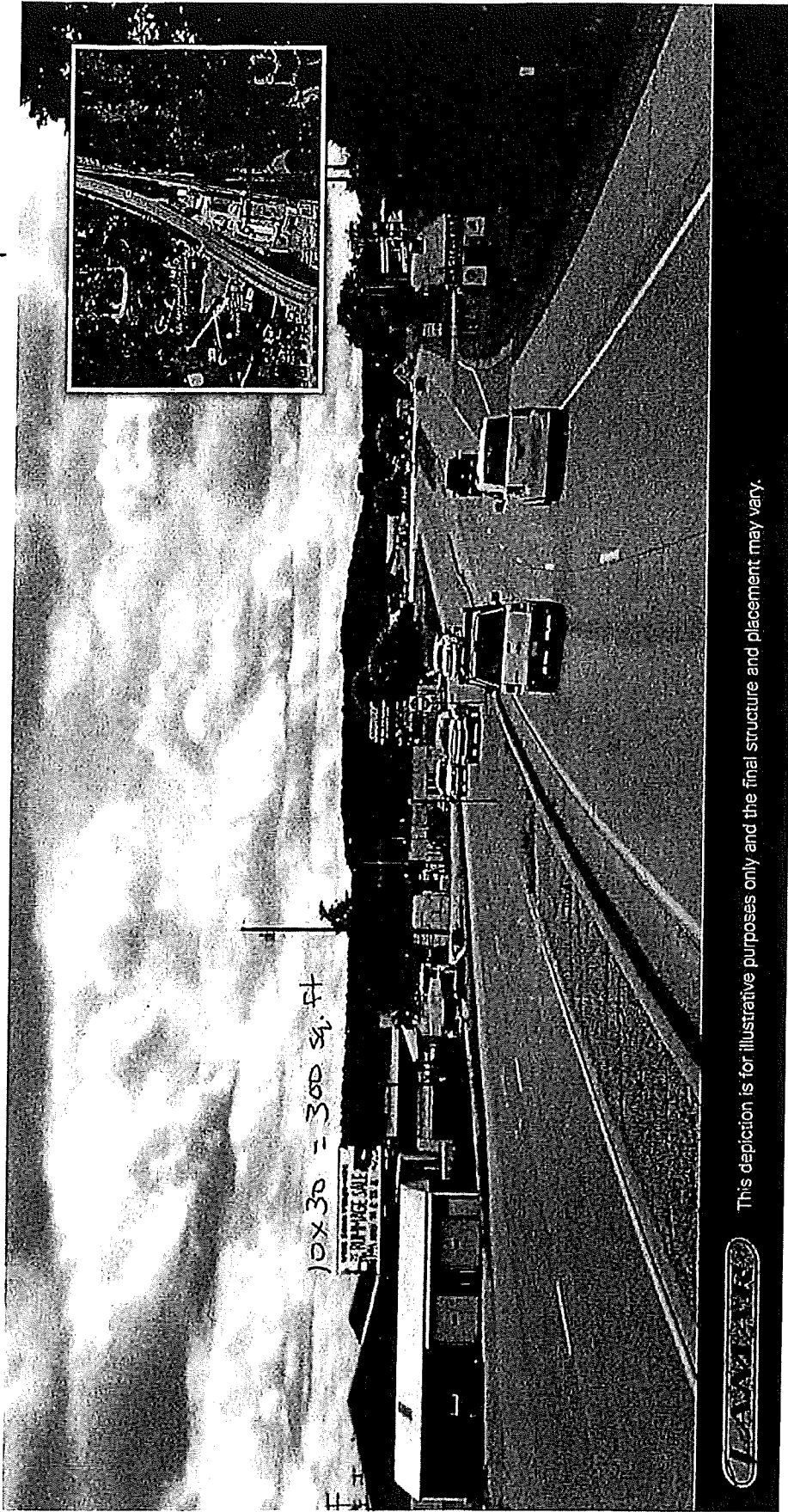
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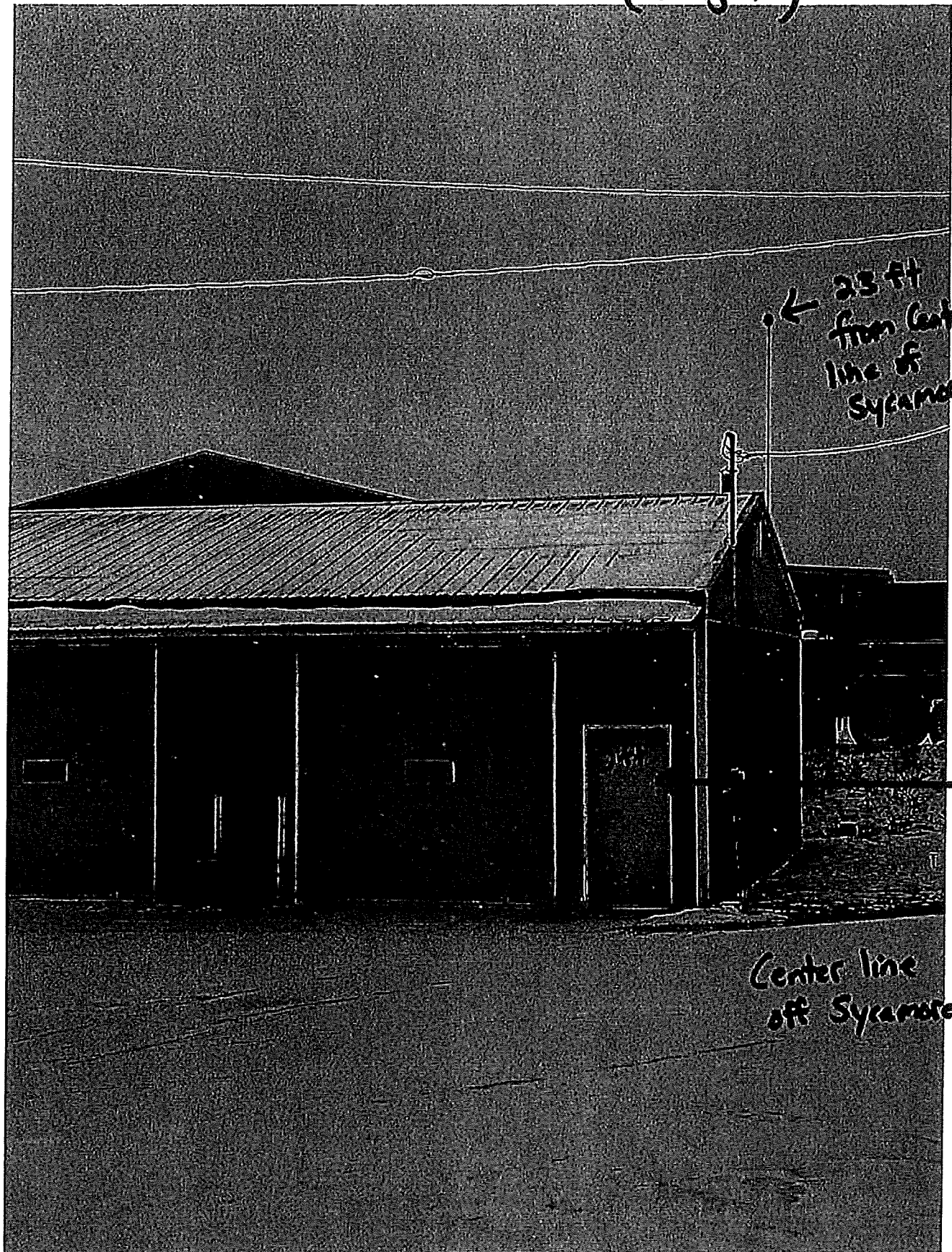
Cindy Gerke & Associates is in support of Lamar Advertising in La Crescent, MN. Billboards are very beneficial to local businesses.

Laurinda M. Gerke-Edwards

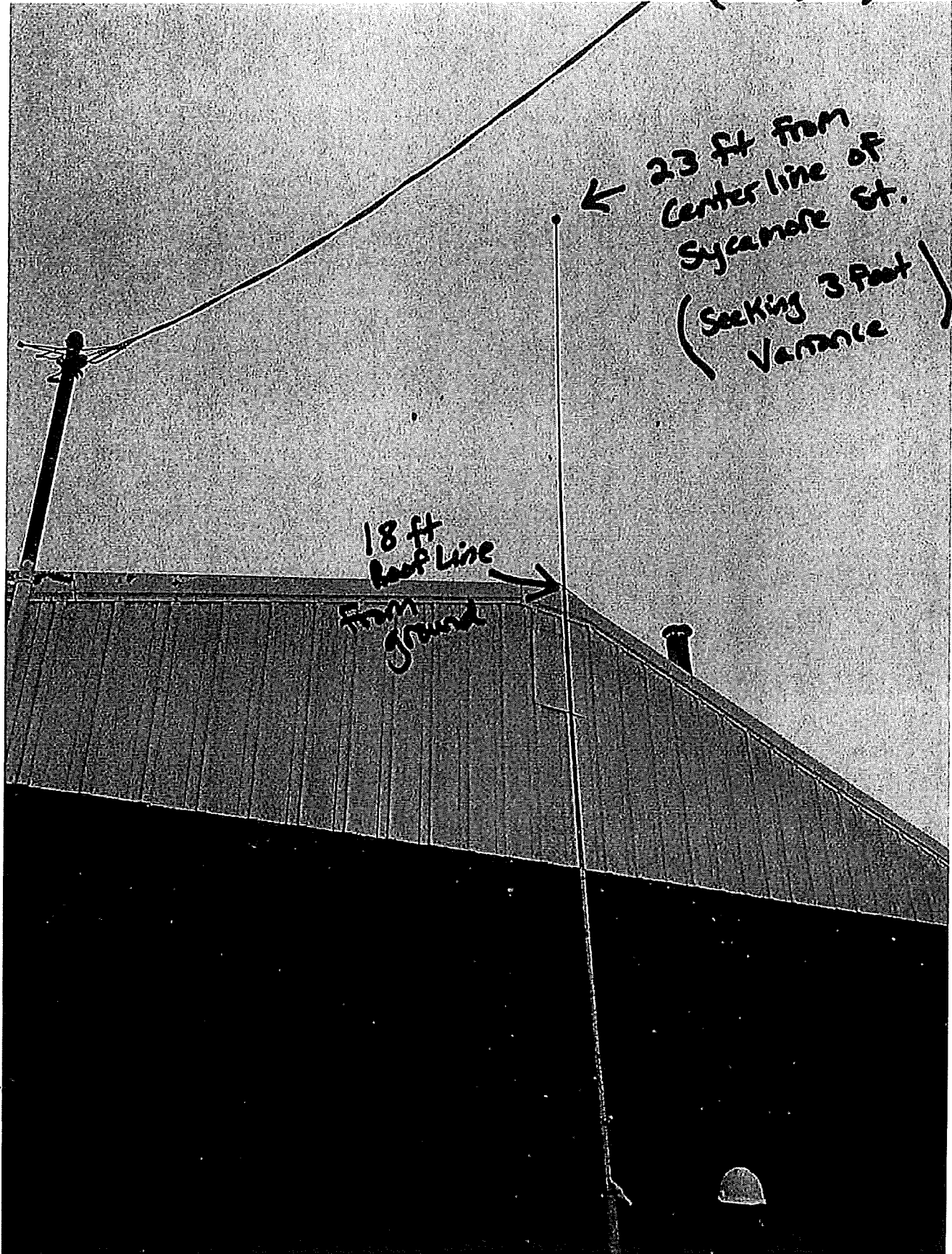




(Height)



(Height)




Site location

Spacing = 188 ft. (Seeking Variance per Spacing)



#5



TO: Honorable Mayor and City Council Members
FROM: Bill Waller, City Administrator 
DATE: May 6, 2022
RE: Valuation Appeal – 705 12th Court North

Attached for review and consideration by the City Council is the City Engineer's drainage review of 12th Court North. Over the years the City has done routine maintenance in this area, and in 2022 the City will complete the work recommended by the City Engineer.

The City Council has the discretion to adjacent this particular market value. My only comment for the City Council to consider is that there are numerous properties in the community that have some sort of stormwater infrastructure adjacent to or near their property.

MEMORANDUM

TO: Bill Waller, City Administrator

FROM: Tim Hruska, P.E.

DATE: May 5, 2022

RE: North 12th Court Drainage

Per City Council direction, we have reviewed the drainage up the hill from 705 North 12th Court with City Staff on May 4, 2022. The drainage swale appears to be channelizing the flow coming from Elm Street (CSAH 29) to the dry pond located along the southerly property line as it has since it was constructed. There is erosion/channelization of the hillside. This should be monitored. There are a few areas that have accumulated sediment in the swale (photo 1). The dry pond has also accumulated some sediment. It is recommended that the City remove the sediment from the channel and dry pond. The pond bottom should be lowered to match the drain hole inlets on the existing outlet structure (photo 2). We reviewed this in the field with Staff. Lawn refuse and tree debris should not be placed in or near the existing basin (photo 3). These items could move during a rain event and block the outlet structure.

We recommend that the City review these drainage areas on an annual basis.



Photo 1 – Drainage swale



Photo 2 – dry pond



Photo 3 – Lawn debris

HOUSTON COUNTY ASSESSOR
304 South Marshall St
Room 203
Caledonia, MN 55921
507-725-5801
assessor@co.houston.mn.us

6054*26**G50**0.7335**3/4*****AUTO5-DIGIT 55927
KEITH B & CARRIE L MYHRE
705 12TH CT
LA CRESCENT MN 55947-8405

Valuation Notice 2023

2022 Values for Taxes Payable in

Property tax notices are delivered
on the following schedule:

Valuation and Classification Notice

Step 1
Class: RES HMSTD
Estimated Market Value: \$523,400
Homestead Exclusion: \$0
Taxable Market Value: \$523,400

See Details Below

Step 2 Proposed Taxes Notice

2023 Proposed Tax: Coming November 2022

Step 3 Property Tax Statement

1st Half Taxes:
2nd Half Taxes: Coming March 2023
Total Taxes Due in 2023:

**The time to appeal or question your
CLASSIFICATION or VALUATION is
NOW!**

It will be too late when proposed taxes are sent.

Go paperless next year!
Register at eNoticesOnline.com. Authorization Code: HOU-K7MF86NH

Taxpayer ID: 000011601
Property ID: R25.1993.000

Description:
Sect-03 Twp-104 Range-004 APPLE BLOSSOM ACRES Lot-016
Block-001 DOC #229502; DOC 280271

Property Classification(s) and Values	Taxes Payable in 2022 (2021 Assessment)	Taxes Payable in 2023 (2022 Assessment)
The assessor has determined your property's classification(s) to be:		
<input type="checkbox"/> If this box is checked, your classification has changed from last year's assessment.	RES HMSTD	RES HMSTD
The assessor has estimated your property's market value to be:		
Estimated Market Value (EMV):	\$388,800	\$523,400
Several factors can reduce the amount that is subject to tax:		
Green Acres Value Deferral	\$0	\$0
Rural Preserve Value Deferral	\$0	\$0
Open Space Deferral		
Platted Vacant Land Deferral	\$0	\$0
This Old House Exclusion		
Disabled Veterans Exclusion	\$0	\$0
Mold Damage Exclusion		
Homestead Market Value Exclusion	\$2,200	\$0
Taxable Market Value:	\$386,600	\$523,400
The following values (if any) are reflected in your estimated and taxable market values:		
New Improvement Value	\$0	\$0
The classification(s) of your property affect the rate at which your value is taxed.		

How to Respond

If you believe your valuation and property class are correct, it is not necessary to contact your assessor or attend any listed meetings.

If the property information is not correct, you disagree with the values, or have other questions about this notice, please contact your assessor first at 507-725-5801 to discuss any questions or concerns. Often your issues can be resolved at this level. If your questions or concerns are not resolved, more formal appeal options are available.

Please read the back of this notice for important information about the formal appeal process.

The following meetings are available to discuss or appeal your value and classification:

Local Board of Appeal and Equalization / Open Book

County Board of Appeal and Equalization

APRIL 25, 2022 5:30 P.M.
LA CRESCENT COMMUNITY BUILDING

JUNE 14, 2022 6:00 PM
COMMISSIONER'S ROOM
COURTHOUSE

**YOU MUST FIRST APPEAL TO THE LOCAL BOARD OF APPEAL AND EQUALIZATION BEFORE YOU
CAN APPEAL TO THE COUNTY BOARD OF APPEAL AND EQUALIZATION.**

