



## MEMORANDUM

---

**DATE:** September 4, 2019 **PC Agenda Item 3A**

**TO:** Planning Commission

**FROM:** Mike Mrosla, Community Development Manager/City Planner

**SUBJECT: Planning Case #19-008 Drive-Through Menu Board Sign Code Text Amendment - Public Hearing Required**  
**Applicant:** Expedite The Diehl  
**Property Location:** 1313 County Rd. E  
**Request:** Sign Code Text Amendment

---

### **Requested Action**

Expedite The Diehl has submitted an application for a sign code text amendment on behalf of McDonalds. The Applicant is requesting a sign code text amendment that would allow for dynamic display menu board signs at drive-through facilities.

### **Background**

Over the last few years drive-through facilities have moved away from the traditional changeable copy drive-through menu boards to dynamic display signs. Dynamic display signs are becoming the preferred method of internal and exterior menu boards for restaurants and other establishments. Dynamic display menu board signs are more cost-effective than traditional menu boards and reduce the amount of waste in landfills. The digital display is also more energy efficient as current LED technology has a far greater lifespan than traditional bulbs and ballasts. The use of digital displays in drive-throughs reduces wait time spent in the drive-throughs by only offering items that are available, thereby reducing vehicle stacking.

All of the existing drive-through menu boards in the community consist of changeable paper copies and are backlit by bulbs. In the past, staff has utilized free standing sign requirements or designated the signs as incidental sign. An incidental sign is any sign that is generally not understandable or readable from property other than where the sign is located, such as from adjacent property or a public street. Upon review, the majority of existing drive-through menu board signs were approved as incidental signs and were not evaluated as they were located out of view. The proposed amendment would require staff to review menu boards.

An example of the proposed dynamic display drive-through menu board signs can be found at the McDonalds in Circle Pines and is shown on the image on the next page.

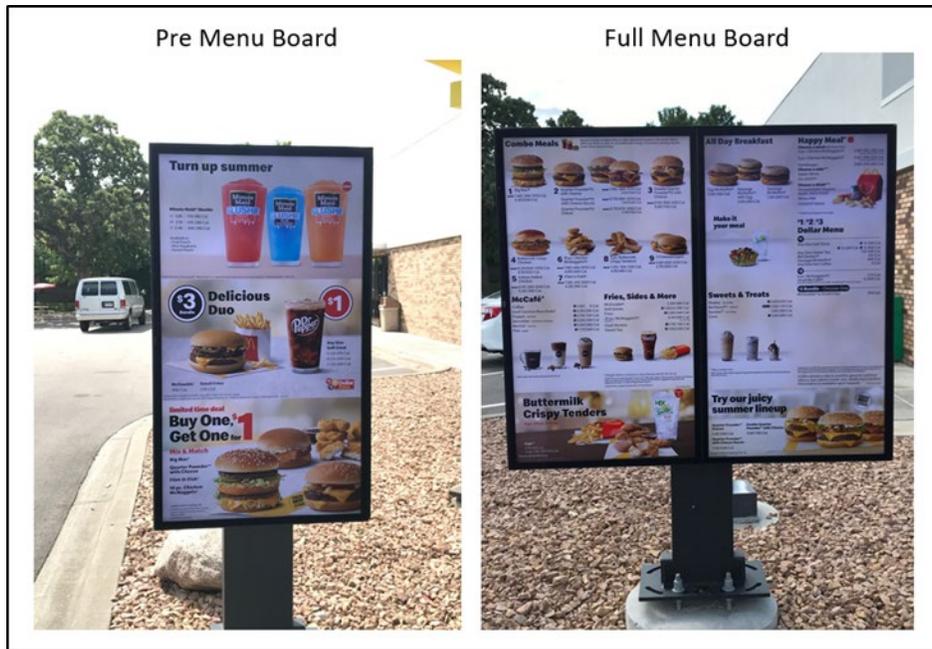


Image 1. Drive-Through Menu Board Sign. Mike Mroska. August 27, 2019.

## 1. Overview of Request:

As previously stated, the Applicant on behalf of McDonald's is requesting to permit dynamic display menu board signs located at drive-through facilities. The Applicant's request would require amendments to the following sign code sections:

- 1210.01 – Definitions – Add a definition for menu board signs.
- 1230.02 - Prohibited Signs – Add exception to digital displays to permit digital display menu boards in drive-through facilities.
- 1240.04 – New code section regulating menu boards signs.

## 2. Text amendments:

As part of the application, the Applicant submitted a draft sign ordinance with proposed language and findings to support their request. Staff has reviewed the Applicant's proposed ordinance language and has provided the following language in order to address the request:

- A. 1210.01 Definitions. The proposed definition defines what qualifies as a menu board sign and where they are located. The intent is to have all menu boards signs to comply with the proposed new code section (1420.02) as discussed below. The proposed definition would read as follows:

*MENU BOARD SIGN. A freestanding exterior sign adjacent to the drive-through lane at a drive-through facility that identifies items for sale at the facility and their associated prices for customers. The menu board must comply with §1240.02 of this chapter.*

- B. 1230.02 - Prohibited Signs. Section 1320.02 of the sign code prohibits the use of dynamic display signs. This section would need to be amended to exclude dynamic display menu board signs from other dynamic display signs. The proposed amendment would read as follows:

*Dynamic Display Signs. Dynamic display signs shall be prohibited, except as provided in section 1240.04 of this code section.*

- C. 1240.04 – Menu Board Signs. The proposed language is intended to codify the location, design and standards for menu board signs. The proposed text amendment would read as follows:

*1240.04 MENU BOARD SIGNS*

*All Menu Board Signs for Non-Residential Uses. Drive-through menu board sign are allowed for non-residential uses provided the requirements in this section are met.*

*Subd. 1. Location: All drive-through menu board signs shall be single-sided and located adjacent to the drive-through lane and shall not be located in any required setback. Signs may be affixed to the building.*

*Subd. 2. Height: A drive-through menu board sign shall not exceed eight (8) feet in height.*

*Subd. 3. Size: A drive-through menu board sign shall not exceed forty (40) square feet.*

*Subd. 4. Number: Up to two drive-through menu board signs are permitted per drive-through lane. The total surface area of the two signs shall not exceed forty (40) square feet.*

*Subd. 5. Drive-through menu board signs shall comply with the following standards:*

*A. The images, colors, and text may not change more than two (2) times per day;*

*B. All images, colors, and text shall be static with no flashing, scrolling, or animation; and*

*C. At any time the business or drive-through is closed to the public, any drive-through menu board sign shall be turned off until the business or drive-through is open to the public.*

*D. Signs with speakers or intercoms shall be designed and located in a manner to direct noise away from adjoining properties. Speaker noise shall not be audible to adjacent residential properties.*

*E. The sign(s) shall not be located as to impair the vision of the driver of a vehicle traveling either into, out of, or through the drive-through lane.*

The proposed language above removes the ability to have two-sided menu board signs and describes where menu board signs are permitted. The proposed height standard is consistent with existing ordinance standards for auxiliary signs in Sign District 5. When determining the appropriate surface area, staff reviewed the Applicant's proposed language and currently-approved sign permits. It was determined that the Applicant-proposed sign surface area of 36 square feet would cause some of the existing drive-through signs to be non-conforming. All of the existing drive-through menu board signs in the community are slightly larger but are under 40 square feet. Based on the findings, staff is proposing 40 square feet as the maximum sign surface area. This is also consistent with other municipalities within the metro.

The community has a number of existing drive-through locations with more than one (1) menu board or pre-menu board sign. The intent of limiting the number of drive-through menu board signs to two (2) signs is to ensure the existing signs are in conformance with the Code and allow a user to have two (2) menu board signs as long as they don't exceed the maximum permitted size of a single menu board. The intent of subdivision five (5) is to provide standards for traditional drive-through menu board signs and digital displays. The Applicant-submitted ordinance language requested the ability to allow menu boards signs to change up to three (3) times per day. Upon review, the existing drive-through establishments within the community currently offer a separate breakfast menu from their traditional lunch/dinner menu and that is the rationale behind allowing signs to change twice per day. The proposed ordinance language requires that all proposed signs remain static to meet the intent of the existing paper menu board signs. After reviewing the Applicant's draft ordinance language in subsection C, staff determined that all drive-through menu board signs shall be turned off when the drive-through facility is closed. Turning off the screens would be a similar practice to turning off the lights on exiting menu boards. Subsection E is intended to limit the noise impacts on adjacent properties and subsection E is intended to provide motor vehicles with clear vision in drive-through lanes.

All of the proposed amendments are consistent with Section 1200.02, Subsection 2 of the Sign Code. The Applicant submitted their findings which can be found in exhibit B. The proposed amendments have been provided in Attachment A. The City Attorney has reviewed and approved the proposed changes.

### **Proposed Motion Language**

1. Recommend Approval: Motion to recommend approval of Planning Case 19-008 for proposed amendments to Chapter 12 – Sign Code, adding a definition for Menu Board Signs, and excluding dynamic displays menu boards from prohibit signs, and adding section 1240.04 Menu Board Signs requirements, as presented in the September 4, 2019 Report to the Planning Commission.
2. Recommend Denial: Motion to recommend approval of Planning Case 19-008 for proposed amendments to Chapter 12 – Sign Code, adding a definition for Menu Board Signs, and excluding dynamic displays menu boards from prohibit signs, and adding section 1240.04 Menu Board Signs requirements, as presented in the September 4, 2019 Report to the Planning Commission: findings to deny should specifically reference the reasons for denial.

3. Table: Motion to recommend approval of Planning Case 19-008 for proposed amendments to Chapter 12 – Sign Code, adding a definition for Menu Board Signs, and excluding dynamic displays menu boards from prohibit signs, and adding section 1240.04 Menu Board Signs requirements, as presented in the September 4, 2019 Report to the Planning Commission: a specific reason and/or information request should be included with a motion to table.

### **Notice and Public Comments**

Notice was published in the *Arden Hills-Shoreview Bulletin* on August 21, 2019. Staff has received no questions or comments.

### **Attachments**

- A. Application
- B. Applicant Proposed Language and Findings
- C. Chapter 12 – Sign Code, Menu Board Sign Definition Red-line (Section 1210.01)
- D. Chapter 12 – Sign Code, Prohibited Signs Red-line (Section 1230.02)
- E. Chapter 12 – Sign Code, 1240.04 Menu Board Signs Red-line (Section 1240.04)