

# REQUEST FOR COUNCIL ACTION

Agenda Section: <b>Required Public Hearings</b>	Originating Department: <b>Community Development</b>	Date: <b>10/18/21</b>
No: <b>2</b>		
<b>Item: Appeal of a Decision of the Heritage Preservation Commission – Erberts and Gerberts Sign</b>		
<b>No. 2.3</b>		

## SUMMARY OF REQUESTED ACTION:

Pursuant to a public hearing notice published on October 6, 2021, the Winona City Council will hear public comment on an appeal of the Heritage Preservation Commission's denial of a Certificate of Appropriateness (COA) from La Crosse Sign Group for new signage at 101 West Third Street, the Slade Block, a contributing property to the Winona Commercial Historic District.

### Background:

On July 26, 2021, the City of Winona received a COA application from La Crosse Sign Group for a new internally lit projecting sign on behalf of Erberts and Gerberts, a commercial tenant at 101 West Third Street. The COA subcommittee and the Heritage Preservation Commission (HPC) met on August 3, 2021 to consider the application. The COA subcommittee requested additional information from La Crosse Sign Group and referred the application to a full public hearing of the HPC. On September 8, 2021 the HPC chose to deny the COA application based on conflicts with the Historic District Design Guidelines, in particular:

- The proposed signage's size is out of proportion to the building and does not meet the 2'6" height recommendation found in the Historic District Design Guidelines;
- The proposed signage is composed of materials not meeting the Historic District Design Guidelines, including vinyl and acrylic which is expressly not recommended;
- The proposed signage is internally lit, which is not recommended in the Historic District Design Guidelines

In accordance with City Code, a public hearing on the appeal from La Crosse Sign Group is required. At the appeal hearing, the Appellant, their agent or attorney, and aggrieved persons may appear, either in person or in writing, to be heard and to show why the decision of the HPC on September 8, 2021 denying the COA should be affirmed, modified, or overruled. A representative of the Heritage Preservation Commission shall also be given an equal opportunity to be heard.

**Department Approval:**

**City Manager Approval:**

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### **Gerberts Sign**

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The issue on appeal to be heard by the City Council is as follows: Was the September 8, 2021 decision of the HPC to deny the COA in compliance with the applicable standards and criteria contained in Winona City Code and the Historic District Design Guidelines in effect at the time the COA was being considered?

The order of procedure for the hearing shall be as follows:

1. Open appeal public hearing – Mayor Sherman.
2. Comments on process of appeal by Mayor Sherman and legal counsel.
3. Initial staff report will be presented to provide an overview of the matter – Luke Sims.
4. Appellant shall have the opportunity to be heard by the City Council and to show why the denial of the COA should be overruled.– 20 minutes.
5. Questions from City Council members of Appellant.
6. Opportunity for other interested persons, not already having spoken, to be heard, provided however, that such testimony is limited to the issue on appeal and does not repeat testimony already presented by the Appellant – 2 minutes per person not to exceed 10 minutes cumulatively.
7. City staff/HPC representative presentation – up to 10 minutes.
8. Questions from City Council members of City staff and HPC representative.
9. Close appeal public hearing and record – Mayor Sherman.
10. Additional questions of City staff and City Attorney on appeal process and deliberations if needed.
11. Deliberations by City Council on the issue on appeal.
12. City Council may make a motion and take action on the appeal. Council options are:
  - a. Affirm the decision of the HPC adopting the HPC's decision to deny the COA based on the HPC's findings;
  - b. Affirm the decision of the HPC, but amend and adopt different findings supporting the same based on the City Council's findings; or
  - c. Overrule the decision of the HPC and adopt findings supporting the same and approving the COA for the proposed sign.

Attached for the Council's consideration is a resolution containing draft findings, conclusions and order, along with the following exhibits:

- A. Legal description of the property in question
- B. COA application for new signage at 101 West Third Street
- C. Reference map of 101 West Third Street
- D. Draft minutes from the September 8, 2021 HPC Meeting
- E. Historic District Design Guidelines signage excerpt
- F. COA Denial Letter dated September 10, 2021 from Luke Sims, Assistant City Planner
- G. COA Appeal Application