



Request for City Council Committee Action from the Department of Community Planning & Economic Development—Planning Division

Date: July 29, 2011

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning & Planning Committee

Subject: David Edquist of Holiday Stationstores has appealed the decision of the City Planning Commission related to applications for a sign for an existing automobile convenience facility at 2448 Hennepin Avenue. Specifically, the appellant has appealed condition #2 of the conditional use permit to allow a dynamic sign in the C2 district, which requires the dynamic sign to be located on a monument sign. The appellant has also appealed the decision of the Planning Commission to deny a variance to sign type to allow a dynamic sign on an existing pole sign.

The proposed dynamic sign would be 31.25 square feet in area and would replace a 26 square foot manual changeable message panel that is currently on the pole sign. As part of the project the applicant is also proposing to replace the existing dynamic changeable copy panel with a slightly smaller dynamic changeable copy panel. The total amount of signage on the existing pole sign is 117.3 square feet. The proposed signage will have a total area of approximately 116.25 square feet. The overall sign will remain at a height of 28 feet. The top of the dynamic panel will be at a height of 17.4 feet.

Recommendation: The following action was taken by the City Planning Commission on June 27, 2011 (BZZ-5176):

5. Holiday Stationstore #209 (BZZ-5176, Ward: 10), 2448 Hennepin Ave.

A. Conditional Use Permit: Application by Holiday Stationstores, Inc. for a conditional use permit to allow a dynamic sign in the C2 district for an existing automobile convenience facility located at 2448 Hennepin Ave in the C2, Neighborhood Corridor Commercial district.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit to for a 31.25 square foot dynamic sign for property located at 2448 Hennepin Ave subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The dynamic sign shall be placed on a monument sign, in compliance with the provisions of Chapter 543 of the zoning code.

B. Variance: Application by Holiday Stationstores, Inc. for a variance to sign type to allow a dynamic sign on an existing pole sign for an existing automobile convenience facility located at 2448 Hennepin Ave in the C2, Neighborhood Corridor Commercial district.

Action: The City Planning Commission adopted the findings and **denied** the variance to allow the dynamic sign to be placed on an existing pole sign for property located at 2448 Hennepin Ave.

Ward: 10

Prepared by: Kimberly Holien, City Planner (612-673-2402) Approved by: Jason Wittenberg, Planning Manager Presenters in Committee: Kimberly Holien, City Planner
--

Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification: The East Isles Residents Association was notified of the application on March 9, 2011.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On July 11, 2011, staff sent a letter to the applicant extending the 60 day decision period to no later than September 20, 2011.

Supporting Information

David Edquist of Holiday Stationstores has appealed the decision of the City Planning Commission related to applications for a sign for an existing automobile convenience facility at 2448 Hennepin Avenue. Specifically, the appellant has appealed condition #2 of the conditional use permit to allow a dynamic sign in the C2 district, which requires the dynamic sign to be located on a monument sign. The appellant has also appealed the decision of the Planning Commission to deny a variance to sign type to allow a dynamic sign on an existing pole sign. At its meeting on June 27, 2011, the City Planning Commission voted approve the conditional use permit application with the two conditions noted above, and deny the variance to sign type.

In the statement submitted, the appellant notes that the existing pole sign is legally non-conforming and the owner has the right to continue the use of the non-conforming sign and repair, maintain replace or improve it. However, the application denied by the Planning Commission was for a variance, not an expansion of non-conforming use. The appellant also states that the installation of a monument sign

on this site is not feasible and that a monument sign would interfere with traffic visibility. The appeal statement also references zoning code provisions for dynamic sign locations and asserts that these standards allow dynamic signs to be located on pole signs. Staff disagrees with this assertion. The zoning code allows dynamic signs to be placed on freestanding signs that are no more than eight feet in height. The complete appeal statement has been attached for review.