

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit, Variance  
BZZ-5175

**Date:** June 27, 2011

**Applicant:** Holiday Stationstores Inc.

**Addresses of Property:** 2322 Washington Avenue North

**Project Name:** Holiday Stationstore #69

**Contact Person and Phone:** Dave Edquist (952)-830-8767

**Planning Staff and Phone:** Brad Ellis 612-673-3239

**Date Application Deemed Complete:** May 23, 2011

**End of 60-Day Decision Period:** July 22, 2011

**Ward: 03    Neighborhood Organization:** Hawthorne Area Community Council

**Existing Zoning:** I2, Medium Industrial District

**Zoning Plate Number:** 08

**Legal Description:** Not applicable for this application

**Proposed Use:** A dynamic sign on an existing pole sign accessory to an existing automobile convenience facility.

**Concurrent Review:**

**Conditional use permit:** To allow a 31.25 square foot dynamic sign.

**Variance:** To allow a dynamic sign on an existing pole sign.

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permit and Chapter 543, On-Premise Signs

**Background:** Holiday Stationstores is proposing to add a 31.25 square foot dynamic sign to an existing pole sign at 2322 Washington Avenue North. The dynamic sign would replace an existing 28 square foot manual changeable copy sign 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 120 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 26 feet. The top of the dynamic panel will be at a height of 16 feet.

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A text amendment was adopted by the City Council in February of 2011 that changed the code requirements for dynamic signs. The zoning code defines a dynamic sign as “*a sign, or any element of a sign, which provides the ability to change text or images, or exhibits changing effects in order to provide intermittent illumination or the illusion of such illumination, or any series of imagery or display which may appear to move or change, including changes produced by any electronic method. A dynamic sign is not a dynamic changeable copy sign.*” Dynamic signs are allowed by conditional use permit on primary building walls or on freestanding monument signs in the I2 district. A conditional use permit has been applied for accordingly. The City adopted additional changes to the sign regulations in Chapter 543 of the zoning code on July 17, 2009. As a result of that amendment, pole signs are not permitted in any zoning district in the City. Dynamic signs are not permitted on pole signs and therefore a variance to the sign type is required.

As of the writing of this report staff has not received comments from the Hawthorne Area Community Council. Any comments, if received, will be forwarded to the Commission.

**CONDITIONAL USE PERMIT: (to allow a dynamic sign in the C2 District)**

**Findings as required by the Minneapolis Zoning Code:** The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The proposed dynamic sign should not be detrimental to public health, safety, comfort or general welfare. The applicant is proposing to change an existing manual changeable copy sign with a dynamic sign, slightly reducing overall signage. The sign meets the majority of the specific standards for dynamic signs. However, the applicant has requested a variance to allow the proposed dynamic sign to be placed on an existing pole sign. Staff is recommending that the proposed sign cabinet be placed on a monument sign instead, in compliance with Chapter 543 of the zoning code, to be consistent with City policies and have less of an impact on the public safety, comfort and general welfare.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The adjacent area is fully developed and surrounded by commercial and industrial uses. There are no residential uses in the surrounding area. The addition of a dynamic sign that meets all zoning code standards should have no negative impacts on surrounding properties. However, allowing a dynamic sign to be placed on an existing pole sign would not be consistent with City policies that encourage pedestrian oriented development. Pole signs are typically intended for automobile traffic, not pedestrian traffic, and pole signs are no longer permitted in any zoning district. The zoning code text amendment from 2009 to no longer allow pole signs was intended to ensure that signs reflect the pedestrian-oriented scale promoted by adopted policies. Therefore, staff is recommending that the proposed dynamic sign be

installed on a monument sign in compliance with Chapter 543 in lieu of the existing pole sign.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The utilities, access, drainage, and other facilities are existing and adequate and should not be impacted by the proposed sign. As stated above, staff is recommending that the proposed sign be located on a monument sign in lieu of the existing pole sign. A monument sign placed in the location of the existing pole sign could have an affect on existing site triangles; however, staff believes there is adequate room on this 22,137 square foot site to construct a monument sign that would not conflict with access roads or traffic circulation.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The addition of a dynamic sign would not have an impact on traffic congestion in the public streets. As stated above, staff believes that a monument sign would be more consistent with City policies and one can be constructed on site without impacting the traffic in the public streets.

**5. Is consistent with the applicable policies of the comprehensive plan.**

*The Minneapolis Plan for Sustainable Growth* states the following about signs. “Sign design needs to balance the desire to convey information with a need to maintain visual aesthetics so signage is not intrusive. The scale of signage should be geared toward the pedestrian and less to the automobile. Unique signage that incorporates unusual materials or designs is encouraged.”

*The Minneapolis Plan for Sustainable Growth* has the following policies for signs:

**Policy 10.20: Promote an attractive environment by minimizing visual clutter and confusion caused by a proliferation of signage.**

10.20.1 Location, size, height and spacing of off-premise advertising signs and billboards shall be regulated to minimize their visual blighting effects.

10.20.2 Master sign plans shall be submitted for multi-tenant buildings to ensure a complementary relationship between signage and the architecture of a building.

10.20.3 Develop incentives for exceptional sign design and style, including a special review process to ensure appropriate location, size, height and compatible design to the architecture of the building and other signage.

10.20.4 Develop a consistent, city-wide wayfinding signage design and maintenance plan for neighborhoods, trails, etc.

**Policy 10.21: Unique areas and neighborhoods within the city should have a special set of sign**

**standards to allow for effective signage appropriate to the planned character of each area/neighborhood.**

10.21.1 Supporting the regional draw of Downtown entertainment areas, larger scale signage shall be allowed in appropriate places (such as the Hennepin Avenue Downtown Entertainment Area and Nicollet Mall Overlay District).

10.21.2 To promote street life and activity, signs should be located and sized to be viewed by people on foot (not vehicles) in order to preserve and encourage the pedestrian character of commercial areas that have traditional urban form.

10.21.3 Encourage effective signage that is appropriate to the character of the city’s historic districts and landmarks, and preserves the integrity of historic structures.

The proposed dynamic sign would be located on an existing pole sign. The existing pole sign is primarily geared toward automobile traffic along Washington Avenue North. The applicant has applied for a variance to allow the sign to be placed on the existing pole sign. To comply with the above comprehensive plan policies, staff is recommending that the proposed dynamic sign be installed as a monument sign in lieu of the pole sign proposed. Eliminating the existing pole sign would encourage a change toward a more pedestrian character for this commercial/industrial area.

The proposed sign meets the location, height, and specific standards for a dynamic sign. While the freestanding sign exceeds the maximum size allowed for a freestanding sign, this is due to the fact that the sign was erected prior to a change in ordinance.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this conditional use permit.**

With the approval of the conditional use permit and variance to sign type, the proposed sign would conform to the applicable district regulations. The minimum lot size for a dynamic sign is 12,000 square feet and the subject site is 22,137 square feet. One dynamic sign is allowed and one is proposed. The sign is required to be a minimum of 100 feet from the nearest residence or office residence district and part of a lot that has 660 feet of contiguous commercial, downtown or industrial zoning on the same side of the street. Both of these requirements have been satisfied. The following additional provisions apply:

- *Height.* Notwithstanding Table 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts, the maximum height of a dynamic sign attached to a building shall be fourteen (14) feet, or top of wall, whichever is less.

*Staff comment:* The dynamic sign would not be attached to a building wall and would be a maximum of 16 feet in height. The applicant does not propose to increase the height of the existing sign.

- *Size.* Dynamic signs shall not exceed thirty-two (32) square feet. Dynamic signs shall be included in the calculation of the total permitted sign area.

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*Staff comment:* The proposed dynamic sign would be 31.25 square feet in area. Overall, the site is allowed 80 square feet of freestanding signage. A total of 116.25 square feet of freestanding signage is proposed, a slight reduction over the existing 120 square feet. The amount of signage allowed on the site was reduced with a zoning code text amendment after the current sign was erected and the applicant is proposing to bring the site closer into compliance with the proposed change. However, as stated above, staff believes a dynamic sign on a pole sign would not be consistent with City policy and is recommending that the dynamic sign be installed on a monument sign instead. Any new monument sign on the site would have to comply with the 80 square foot maximum, further reducing the total amount of signage on the site.

- *Duration of message.* The sign message shall remain static for a period of not less than sixty (60) seconds. The transition from one (1) message to the next shall be direct and immediate, without any special effects.

*Staff comment:* The message will remain static for a minimum of 60 seconds and will transition with no special effects.

- *Image characteristics and transition.* Dynamic signs shall have a pitch of not greater than twenty (20) millimeters between each pixel. Special effects, including but not limited to dissolving, fading, scrolling, starbursts and wiping shall be prohibited.

*Staff comment:* The sign will have a pixel spacing of 19 mm and no special effects.

- *Luminance.* Between sunrise and sunset the maximum luminance shall be five thousand (5,000) nits and between sunset and sunrise the maximum luminance shall be five hundred (500) nits. All signs with a dynamic display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement. Except for Institutional and Public Uses, the dynamic sign shall not display messages or be illuminated when the use is closed.

*Staff comment:* The sign will have a maximum luminance of 5,000 nits between sunrise and sunset and 500 nits at all other times. The sign will be equipped with a light sensor and automatic dimmer control to comply with this requirement.

**In addition to the conditional use standards contained in Chapter 525 and this article, the City Planning Commission shall consider, but not be limited to, the following factors when determining sign variances or conditional use permits:**

- 1. The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.**

The addition of this sign will not lead to sign clutter as the applicant is proposing to slightly reduce the amount of overall signage on site. However, the existing pole sign is non-conforming in terms of sign type, height, and area. The sign would not be located at pedestrian level and therefore would conflict with City policies. The applicant has requested a variance to allow the dynamic sign on an existing pole

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sign. Per the findings below, staff is recommending denial of the variance to sign type and instead is recommending that the sign be installed on a monument sign in a manner that complies with all regulations of Chapter 543. The maximum size permitted for a freestanding sign is 80 square feet. Requiring a monument sign in lieu of the existing pole sign would result in a reduction in overall signage by 37 square feet, which would further reduce any sign possible clutter in the area.

- 2. The sign adjustment will allow a sign that relates in size shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located.**

The sign will be professionally constructed and installed. The sign is a metal cabinet with internally illuminated copy face. The sign is not out of scale with the size or design of the building or the site, but does exceed the maximum allowed signage by 37 square feet.

**VARIANCE: (to allow a dynamic sign on an existing pole sign in the C2 District)**

- 1. The property owner proposes to use the property in a reasonable manner.**

The City adopted a text amendment in July of 2009 that disallowed pole signs. While the pole sign on the property can continue to exist and retain non-conforming rights, it is not reasonable to increase the visual impact of the sign by installing a dynamic sign that is both larger in square footage and taller than the zoning code allows. Requiring the dynamic sign to be placed on a monument sign, in compliance with the zoning code, would be more consistent with city policies and result in a reduction of overall signage on the site.

- 2. Practical difficulties exist due to circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The findings submitted by the applicant state that the conditions on the site would make it practically difficult to construct a monument sign. The applicant states that, in order to accommodate the permitted sign area on a monument sign, it would need to be 15 feet in width. The applicant further states that this 15-foot width would not be possible to accommodate with the existing site design due to the location of pump islands, drive aisles, and traffic circulation. The applicant further states that a monument sign would obstruct the view through the site for passing drivers.

The site is over 22,000 square feet in area and the landscaped area where the existing pole sign is located is approximately 20 feet in width. If the pole sign were to be replaced with a monument sign in the same location, the base could theoretically be up to 20 feet in width. If the applicant were to construct a monument sign that is 8 feet in height, in compliance with the zoning code, the sign could only be 10 feet in width, or 13 feet in width if assuming a two-foot tall base. Therefore, there is adequate space in the current sign location to accommodate a monument sign with a masonry base and/or landscaping.

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Furthermore, the landscaped area adjacent to the existing pole sign could be expanded to the south without encroaching into the required drive aisle or parking. The drive aisle and curb cut in this location are approximately 50 feet in width off 24<sup>th</sup> Avenue North. Staff finds that the circumstances of the parcel are not unique and that no practical difficulties exist that would prohibit the construction of a monument sign.

- 3. If granted, the variance will be in keeping with the spirit and intent of the ordinance and the comprehensive plan and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The proposal to place a dynamic sign on the existing pole sign would not be in keeping with the spirit and intent of the ordinance or *The Minneapolis Plan for Sustainable Growth*. In 2009 the city adopted a zoning code text amendment zoning for Chapter 543 to no longer allow pole signs. This particular piece of the amendment was intended to limit the impact of signage on residential uses and ensure that signs reflect the pedestrian-oriented scale promoted by adopted policies. Those adopted policies are clearly outlined in the Comprehensive Plan, which states, “*The scale of signage should be geared toward the pedestrian and less to the automobile.*” The Comprehensive Plan also contains the following implementation steps related to signage:

10.21.2 To promote street life and activity, signs should be located and sized to be viewed by people on foot (not vehicles) in order to preserve and encourage the pedestrian character of commercial areas that have traditional urban form.

The height and overall design of pole signs are geared toward the automobile and not the pedestrian, making them in direct conflict with the spirit and intent of the ordinance and the Comprehensive Plan. A monument sign that complies with the zoning code would be less injurious to the use and enjoyment of other property in the vicinity.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The existing pole sign is located at the corner of the site, at the intersection of Washington Avenue North and 24<sup>th</sup> Avenue North. This intersection is not signalized – 24<sup>th</sup> Avenue North is two blocks long at this location and functions more as an access road to the uses along it. Allowing the dynamic sign to be placed on the existing pole sign would not likely increase congestion of the public streets, nor would it have an effect on fire danger or the public welfare as a whole.

**RECOMMENDATION:**

**Recommendation of the Community Planning and Economic Development Department - Planning Division for conditional use permit for a dynamic sign:**

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The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit to for a 31.25 square foot dynamic sign for property located at 2322 Washington Avenue North, 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.

**Recommendation of the Community Planning and Economic Development Department - Planning Division for a variance to allow a dynamic sign to be placed on an existing pole sign:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to allow the dynamic sign to be placed on an existing pole sign for property located at 2322 Washington Avenue North.

**Attachments:**

1. Statements from the applicant
2. Zoning map
3. Site plan and elevations
4. Photos