



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

Date: July 28, 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 for applications for a sign for an existing automobile convenience facility at 2322 Washington Avenue North. 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 the 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 that indicates fuel prices 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.

**Recommendation:** The following action was taken by the City Planning Commission on June 27, 2011:

#### **4. Holiday Stationstore #69 (BZZ-5175, Ward: 3), 2322 Washington Avenue North.**

**A. Conditional Use Permit:** Application by David Edquist, on behalf of Holiday Stationstores, Inc., for a conditional use permit to allow a dynamic sign in the I2 district on the property located at 2322 Washington Ave N in the I2 Medium Industrial 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 2322 Washington Ave N, 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 David Edquist, on behalf of Holiday Stationstores, Inc., for a variance to sign type to allow a dynamic sign on an existing pole sign on the property located at 2322 Washington Ave N in the I2 Medium Industrial 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 2322 Washington Ave N.

**Ward:** 03

Prepared by: Brad Ellis, Senior City Planner (612-673-3239) Approved by: Jason Wittenberg, Planning Manager Presenters in Committee: Brad Ellis, Senior City Planner
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**Financial Impact**

- No financial impact

**Community Impact**

- Neighborhood Notification: The Hawthorne Area Community Council was notified of the application in May of 2010, and reiterated support for the application with one provision on June 27, 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 12, 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 regarding applications for a sign accessory to an existing automobile convenience facility at 2322 Washington Avenue North. Specifically, the appellant has appealed condition #2 of the conditional use permit to allow a dynamic sign in the I2 district, which requires the dynamic sign to be located on a monument sign. The applicant 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 to 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.