

**Excerpt from the
CITY PLANNING COMMISSION MINUTES
Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

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MEMORANDUM

DATE: July 7, 2011

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of June 27, 2011

The following actions were taken by the Planning Commission on June 27, 2011. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Motzenbecker, Bates, Carter, Cohen, Huynh, Luepke-Pier, Schiff, Tucker and Wielinski – 9

Not present: Gorecki (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

4. Holiday Stationstore #69 (BZZ-5175, Ward: 3), 2322 Washington Ave N ([Brad Ellis](#)).

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.

Staff Ellis presented the staff report.

President Motzenbecker: As far as existing pole signs like this, do we have any idea on how many could be retrofitted? Is this an anomaly or kind of a standard?

Staff Ellis: The majority of existing gas stations, unless they've built fairly recently are going to have the pole signs. So any of the ones prior to this decade definitely. There are many signs that have pole signs existing in the city and if they want to modify that...

President Motzenbecker: We can probably get an idea from Mr. Cronin, he probably has an idea in his portfolio.

Commissioner Schiff: I know the sign is nonconforming as to height, is it also nonconforming to square footage?

Staff Ellis: It is.

Commissioner Schiff: About 20 square feet currently. It would be 36 square feet as proposed. It'd be coming towards conformance but still over the sign allotment.

President Motzenbecker opened the public hearing.

Michael Cronin (8809 W Bush Lake Rd): I ask you not to accept the recommendation by staff and too only permit the dynamic sign on a pole sign. I think there are three issues I'd like to talk to you about. It's a fundamental issue. We have two applications and three issues. The first is how the Comprehensive Plan, as it's applied to a proposed change. I think Jason used the same photo of a panel on an existing sign from one technology to another. The second issue is the practical difficulties with installing a monument sign. The last is the compatibility of the existing sign with the character of the neighborhood. I can't stand here and tell you to basically ignore the Comprehensive Plan because you can't do that, but I think there are a range of ways to apply the Comprehensive Plan that are appropriate at different points in the process. Every plan issue has

both conceptual and technical issues. The Comp Plan I think deals much more strongly with conceptual issues. It's conceptual, visionary, general, forward, future looking and all that. In a built city it's difficult to keep this forward momentum and figure out because there are a lot of indications at a site level which you don't find in a developing suburb where you can do these things. The technical issues, which are the ones that I think really do create the practical difficulty here tonight, are site by site. This is not a major change, it's a very minor change. We were surprised that at this point it came up. We believe that these conceptual type issues were dealt with during the long discussions of this amendment last fall. We showed you this picture of a freestanding sign and told you what we were going to do.

President Motzenbecker: Why don't we just cut to the issues for you for this particular sign?

Michael Cronin: Alright. These signs are typically found in suburbs. People think they are pedestrian friendly, but another way to look at them is, you're asking us to install an eight foot tall by 14 foot wall on an existing site. In the suburbs this works. Much bigger sites, must lower intensity, you can do these things. This is the sign that you just approved. This is on site on Industrial Blvd, a brand new site. This site is 63,000 square feet, that's three times the size of both the sites we are considering tonight. It was a vacant site, we started from scratch. When you start from scratch and you've got a big site, you can move some things around. This is the site plan. The sign is up here in the corner. We are right on the corner. The landscaped area is in the right-of-way. It's a very tight site. Staff believes that we can easily drop a wall that's 8x14 into this corner. This is the site. This is what it looks like out there. What you have to imagine is, a wall eight feet tall will cut your view down Washington Ave. People are moving down Washington Ave at a pretty good rate of speed in that area. I think you can imagine an eight foot tall wall extending out there. I think this creates a traffic hazard. We have a provision called the site triangle which says that no sign may be used within 15 feet of an intersection unless it's approved by the Zoning Administrator. Maybe the Zoning Administrator might approve it but if I was the Zoning Administrator and I said something was safe and it turned out not to be, it could be a problem. I think staff could probably come back and tell us to slip it down. The reason why it's a 50 foot driveway is because here is where our underground tanks are in the south half of that driveway. Those are difficult to move, there is no practical place to put them on the site. That's why we have this big driveway. Let's say you move ten feet down and that solves the Washington Ave problem. The truck is only there three times a week so it will work out maybe. That just shifts the problem from Washington Ave to 24th Ave. As you're driving out of this thing, there's your 8x14 foot wall and you can't see until you're out in the street. Again, this creates this problem. Staff asks why we don't move it south on the site; if you're at the gas pump, this is not as far away as you think. It's a difficult site. What we are concerned about is that if you move that sign south and you go far enough south to make any difference, it would be under the canopy. We think there is no practical way to... we've tried to put this urban style, long, low sign into an urban site and it really creates a practical difficulty. Second point is it's compatibility. That sign is not out of character for that part of Washington Ave. The Hawthorne neighborhood people were concerned about West Broadway, but they said it's fine and they did it. Our request is that you approve the dynamic sign and allow us to continue to use an existing sign.

Commissioner Luepke-Pier: I have been to this site many times and agree with it blocking the site lines for pedestrians and vehicles. My question to you is, given that pole signs are kind of an eye sore, if it was a condition of approval that you'd have to spruce up the landscaping on that

corner since this photo shows how bleak and desolate it is, would that be something you'd be willing to consider?

Michael Cronin: Sure, we could engage in that. That'd be easy. On the condition that we meet with staff? If we could meet with staff and maybe go back to Committee of the Whole, would that be appropriate?

President Motzenbecker closed the public hearing.

Commissioner Luepke-Pier: I would like to move the conditional use permit for approval as per staff recommendation (Cohen seconded).

President Motzenbecker: Moved and seconded, any further discussion? All those in favor? Opposed?

The motion carried 8-0.

Commissioner Luepke-Pier: I will continue with the variance. I will recommend approval of the variance with a condition of approval that the applicant meet with staff to provide ample landscaping to beautify that corner (Cohen seconded).

President Motzenbecker: Ok, so we will have condition two. Maybe you want to look at revising condition two because that is calling for a monument sign.

Commissioner Luepke-Pier: Oh yes, my apologies. Can we just omit provision two then? Can we reopen my motion for the CUP to omit condition two to allow for the variance (Cohen seconded)?

The motion carried 8-0.

Commissioner Schiff: I want us to redo the roll call and allow a debate on this new motion that's been made. The motion before us is to reopen it or amend it?

President Motzenbecker: It has been reopened. Now we will discuss whether the sign...

Commissioner Schiff: Ok, I will wait for the next motion.

President Motzenbecker: Commissioner Luepke-Pier, are you wishing to remove condition two from the conditional user permit?

Commissioner Luepke-Pier: Actually can we just hold on and start with the variance?

President Motzenbecker: No, we can't. We reopened this.

Commissioner Luepke-Pier: Then yes, I'd like to remove condition two from the conditional use permit. I'd like to add another condition that states that the applicant confer with staff to provide ample landscaping at the northwest corner of their site in the location of the signage (Cohen seconded).

Commissioner Schiff: I can't support this motion and I'm sure I'm not alone and that the commissioners have read the full packet today and that application number five is another application for a variance that follows this one for a Holiday station at 2448 Hennepin Ave. I know how concerned we are about precedents and treating people equally and I'm going to have a hard time finding the necessary findings for a variance to be met in this location with an understanding that if we find it in this location the arguments that have been presented to us, we're probably going to find it at every location of a pole sign. This sign is nonconforming in two ways and that makes it different. This is not just a height issue, this is about height and square footage. Our zoning code changes over time. The zoning code that we currently have adopted and a zoning code amendment that we all voted for was to eliminate pole mounted signs entirely from the city of Minneapolis. Our only opportunity to come into conformance is when somebody is making upgrades, like this application before us. This would be a nice upgrade that would bring this property into conformance with the standards that we ask all other businesses to live with in the city of Minneapolis and I think those rules are fair. I think this type of freeway sign which is an original creation of the 60s to be read from far away is not appropriate in an urban setting. I think our zoning code reflects that fact with the rules we have on the books. I can just imagine the arguments being made for the next application that somehow Hennepin Ave is not an appropriate place for a pedestrian sign. I don't know how one's going to make that argument when Hennepin Ave is one of the most pedestrian friendly streets we have in the city of Minneapolis. This sign should be brought into conformance and we should hold that standard for everyone else in the city of Minneapolis.

Commissioner Luepke-Pier: It appears to me that there is a difference between the two projects and that the Hennepin Ave sign is located farther, quite a bit farther, from the corner of the drive aisle than the one on the Washington Ave site. Is there any way to tell how close to 24th Ave N and Washington Ave their pole sign is as opposed to the one at 25th and Hennepin?

Staff Ellis: It is difficult to see here, but I did list in the staff report the distancing that they have in terms of that to get an idea of the scale on the corner. The majority of the landscaping, for whatever reason, is actually out in the right of way and not on their property. The sign is on their property but it's pretty much at the edge. The drive aisle is 50 feet and the landscaped area is approximately 20 feet along where that sign is. So that's about 20 feet across from there to there.

Commissioner Luepke-Pier: From the corner to the closest portion of the sign though, that's not 20 feet.

Staff Ellis: The entire landscaped area is 20 feet, that's probably four feet or so.

Commissioner Luepke-Pier: It's pretty close. If you're using the drive aisle driving on either Washington or on 24th Ave N whereas the one on Hennepin appears to be quite a bit farther so if you were to be pulling out on to 25th to go on to Hennepin you could see around to not have your view obstructed by a monument sign as opposed to the one on Washington.

Staff Ellis: I can't speak very well to the one along Hennepin.

President Motzenbecker: We'll just have to go with what we have for now. I don't want to start mixing projects together.

Staff Ellis: Staff recommendation was based upon... there was some room to maneuver in there. It could be more of a concern with someone trying to turn left across 24th Ave. Staff doesn't believe, necessarily, that it could create as much of an issue entering on 24th Ave.

Commissioner Cohen: My understanding is that staff has indicated that this variance does not conform with the Comprehensive Plan and I based my second on my feeling that it does conform with the Comp Plan because the character of this location is not a heavy pedestrian location to begin with, there just aren't that many pedestrians there and I can understand the need for this technological improvement in the sign. I don't feel tied to make the same judgment with respect to 24th and Hennepin which is an entirely different situation. I think we can view that separately. I'm comfortable with approving this on the basis that it does conform with the Comp Plan.

Commissioner Luepke-Pier: I drive past this gas station all the time. Washington Ave is prone to a lot more high speeds and semi trailer traffic because it's an industrial area. I can see great difficulty for a car maneuvering on to 24th to get on to Washington which is generally how things tend to maneuver in that area. I think it would block views. Putting a monument sign there, while I think they are ugly and atrocious and I'd love to get rid of every one in the city, I think that in this particular circumstance, because you can't get a full length of a vehicle between the corner and sign to see around it, unlike the one at Hennepin, I just see that it's not setting a precedent, it is a different circumstance that does create practical difficulties.

Commissioner Wielinski: I concur with Commissioner Schiff. The applicant said that technology changes; zoning changes as well. Minneapolis has decided that they do not want to have these tall signs anymore and we're going to monument signs and you chose to upgrade and as part of that you are also going to have to conform to the new zoning so I concur with Commissioner Schiff on this and support staff recommendation to deny.

Commissioner Schiff: I appreciate the difference of this site in relationship to the other application and how this one is unique because of its industrial nature. Most of those comments have been about the height of the sign but if we approve this we are also approving the nonconforming square footage of this sign and I can't see a rationale for why we would allow this supersized sign to enjoy rights that none of the adjacent property owners are entitled to.

President Motzenbecker: For what it's worth, when you first look at this the reaction is that it's not that big of a deal, but when you look at it with the lens of what we're trying to do with the idea of the whole phasing out of pole signs, the zoning code adjustments and things that have been articulated, I have to go with that because that's what we're here to do and to look at those types of Comprehensive Plan and zoning code adjustments. I will vote against the amendment of the number two condition.

Commissioner Tucker: I concur with that statement. If we're going to get rid of pole signs we should not expand their use.

President Motzenbecker: Calling the vote then on the amended condition. The amendment was to remove the existing condition number two and replace it with landscaped northwest corner. All those in favor? Opposed?

The motion failed 2-6

Commissioner Schiff: I move staff recommendation (Tucker seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

Commissioner Schiff: I move staff recommendation for the variance (Tucker seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 6-2.