

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit  
BZZ-5625

**Date:** July 16, 2012

**Applicant:** Holiday Stationstores Inc.

**Addresses of Property:** 4601 Hiawatha Avenue

**Project Name:** Holiday Stationstore #332

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

**Planning Staff and Phone:** Aly Pennucci, (612) 673-5342

**Date Application Deemed Complete:** June 20, 2012

**End of 60-Day Decision Period:** August 19, 2012

**Ward:** 12    **Neighborhood Organization:** Longfellow Community Council and Standish-Ericsson Neighborhood Association (adjacent)

**Existing Zoning:** C3A Community Activity Center District, the PO Pedestrian Oriented Overlay District, AP Airport Overlay District and the SH Shoreland Overlay District.

**Zoning Plate Number:** Not applicable for this application

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

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

**Concurrent Review:** A conditional use permit to allow a 32 square foot dynamic sign on an existing monument sign

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

**Background:** Holiday Stationstores proposes to incorporate a 32 square foot dynamic sign into a new monument sign in the same location as the existing monument sign at 4601 Hiawatha Avenue. The dynamic sign would be placed on a new base in the existing location, replacing what is currently a *changeable copy sign, manual*. The total amount of signage on the existing monument sign is approximately 58 square feet; the entire monument sign will be replaced and the proposed signage will have a total area of 80 square feet. The overall sign will be raised one foot, 9 inches, to a total height of

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eight feet. The proposed sign will include the proposed *dynamic sign*, a *changeable copy sign*, *dynamic* (for the gas price) and a static sign with the Holiday name and logo.

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.*” In the C3A District, dynamic signs are allowed by conditional use permit on primary building walls or on freestanding monument signs. Accordingly, the applicant has applied for a conditional use permit. Upon approval of the conditional use permit, the action must be recorded with Hennepin County as required by state law.

This property has been the subject of several previous land use applications. The City approved a conditional use permit for an automobile service station with a car wash and grocery facility in 1987. In 2002, the property owner submitted land use applications for a conditional use permit to allow 24 hour operations, a conditional use permit for a 468 square foot building addition and site plan review. The conditional use permit applications were eventually withdrawn and the application for site plan review was approved. The approved site plan has been implemented on the property. In 2009, a land use application for an expansion of a nonconforming use to allow for a 270 square foot building addition to the existing automobile convenience facility was approved; however, the project did not move forward.

As of the writing of this report, staff has not received comments from the neighborhood association directly. The applicant has submitted a letter from the Longfellow Community Council opposing the proposal and a letter stating a neutral position from the adjacent neighborhood association (Standish-Ericsson Neighborhood Association) from 2011 – see attachments. Any additional 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 staff 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 add a dynamic sign to a monument sign on the northwest corner of the property. The neighborhood association has expressed concerns about potential safety issues related to the sign creating a distraction to those in transit at this multi-modal intersection in the PO Pedestrian Oriented Overlay District. The applicant provided data from the City’s Public Works department regarding intersections with the highest number of crashes. This location did not rank in the top 20 list and had approximately 6 to 10 crashes in 2009. The

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intersections with the highest number of crashes had approximately 15 to 31 occurrences.

Dynamic signs are permitted in a PO District subject to approval of a conditional use permit unless located in the downtown entertainment area. The zoning code regulations related to dynamic signs includes specific standards adopted to address potential issues. The standards limit the location, size, height, duration of message, image characteristics and transition and the luminance. The proposed sign meets the specific standards for dynamic signs.

- 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 surrounding area includes a mix of commercial, industrial and residential uses. The immediate neighboring property to the south is a commercial site with a fast-food restaurant and to the east is an industrial use. The closest residential property is located northeast of the sign and diagonally across 46<sup>th</sup> Street East. The existing and proposed signs are, for the most part, not visible from that property due to the orientation of the sign and on-site landscaping. Another residential project is currently under construction across Hiawatha over 200 feet away. Staff is recommending that the planning commission require the applicant to turn off the sign when the business is closed. With the adoption of the staff recommendation, the addition of a dynamic sign that meets all zoning code standards should have no negative impacts on surrounding properties.

- 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.

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

The addition of a dynamic sign should not have an impact on traffic congestion in the public streets. As required by section 543.340 of the zoning code, the sign message must remain static for a period of not less than sixty (60) seconds. Also, the transition from one (1) message to the next must be direct and immediate, without any special effects.

- 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.**

**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.**

10.21.2 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.

*Staff comment:* The proposed dynamic sign will be incorporated into a new monument sign in the same location as the existing monument sign. Although the monument sign is intended to be viewed primarily by automobile traffic, it is at a pedestrian scale. The proposed sign meets the location, height and specific standards for a dynamic sign.

**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, 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 28,343 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 sign will not be attached to a building wall and as proposed would be six feet, four inches to the top of the dynamic portion of the sign. The maximum height for monument sign in the C3A district is eight feet to the top of the sign; the height of the entire sign as proposed would be eight feet.

- *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.

*Staff comment:* The proposed dynamic sign would be 32 square feet in area. Overall, the site is allowed one freestanding sign, a maximum of 80 square feet in area. Including the dynamic sign, the applicant is proposing a total of 80 square feet on the monument sign.

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- *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 replace the existing monument sign with a new monument sign.

- 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.

**RECOMMENDATION:**

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

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit to allow a 32 square foot dynamic sign on the property located at 4601 Hiawatha Avenue 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 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.
3. The dynamic sign 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.
4. 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. The sign shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement.
5. The sign shall be turned off when the business is not open.

**Attachments:**

1. Statement and findings from applicant
2. Correspondence to neighborhood organization and Council Member
3. Correspondence & additional materials submitted by the applicant
4. Zoning map
5. Site plan
6. Sign rendering
7. Photos