

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0502R

RESOLUTION ISSUING TO HEARTLAND DIGITAL OUTDOOR DENIAL OF A C-5 PLAN AMENDMENT FOR CONSTRUCTION AND OPERATION OF AN OFF PREMISE ELECTRONIC BILLBOARD AT 1101 MALL DRIVE.

CITY PROPOSAL:

RESOLVED, that the city council finds the following:

(a) Warren Olson of Heartland Digital Outdoor has submitted to the city council a request for C-5 plan approval, in accordance with Section 50-140 of the City Code, for construction and operation of an off premise electronic billboard on the Home Depot property located at 1101 Mall Drive; and

(b) Said permit application was duly referred to the city planning commission for a study, report and public hearing at their September 14, 2010, regular meeting and city planning commission has subsequently reported its failure to recommend approval to the city council with a 2-9-0 vote; and

(c) Said permit for amendment of a C-5 plan for 1101 Mall Drive, including the removal of 57 buffer trees along the Central Entrance frontage for the construction and operation of an off-premise electronic billboard is hereby denied for the following reasons:

(1) The proposed project is inconsistent with the previously approved landscape plan that shows the edge of the tree canopy extending to Central Entrance;

(2) Collectively, the stand of trees makes a significant and aesthetic environmental impact;

(3) Modification of the approved plan to allow for tree removal is contrary to the purpose of C-5 plan review to, in part, reduce adverse effects of development on the natural environment [and] enhance the visual and aesthetic quality of development; and

(4) Removal of the identified trees and installation of the proposed off-

premise sign would have adverse effects on the natural environment and the visual and aesthetic quality of the development.

Approved as to form:

Attorney

PC/PLNG CB:eu 9/16/2010

STATEMENT OF PURPOSE: This resolution denies approval the amendment to the C-5 plan for the Home Depot property, located at 1101 Mall Drive. Proposed amendment to the site includes removal of 57 trees and installation of an off-premise electronic billboard.

Based on its findings, city staff recommended denial of the said permit application for the following:

(1) The proposed project is inconsistent with the previously approved landscape plan that shows the edge of the tree canopy extending to Central Entrance;

(2) Collectively, the stand of trees makes a significant and aesthetic environmental impact;

(3) Modification of the approved plan to allow for tree removal is contrary to the purpose of C-5 plan review to, in part, reduce adverse effects of development on the natural environment [and] enhance the visual and aesthetic quality of development; and

(4) Removal of the identified trees and installation of the proposed off-premise sign would have adverse effects on the natural environment and the visual and aesthetic quality of the development.

On September 14, 2010, the Duluth city planning commission held a public hearing on the proposal and voted 2-9-0 resulting in a failure to recommend approval for the proposed amendment to the C-5 plan.

Petition received: 6/29/2010
Action deadline: 10/29/2010