

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0510R

RESOLUTION APPROVING AN APPLICATION TO AMEND A C-5 PLAN FOR CONSTRUCTION AND OPERATION OF AN OFF PREMISE ELECTRONIC BILLBOARD AT 1101 MALL DRIVE SUBMITTED BY HEARTLAND DIGITAL OUTDOOR.

CITY PROPOSAL:

RESOLVED, that the city council finds the following:

(a) Heartland Digital Outdoor ("applicant") has applied to modify the community unit plan approved pursuant to Resolution 99-0547 on July 26, 1999, which operates as the C-5 plan ("plan") for property located at 1101 Mall Drive and which contains Home Depot, Olive Garden and Texas Roadhouse ; and

(b) Applicant seeks to amend the plan to allow for the construction and operation of an off-premise electronic sign at a location adjacent to Central Entrance and between the driveway into the C-5 development and the intersection of Central Entrance and Trinity Road (Highway 53) as required by Duluth City Code Section 50-139(e); and

(c) An off-premise sign, commonly referred to as a "billboard", is a sign that displays products or services which are not sold or provided on the same premises; and

(d) Construction of the sign would require the removal of 57 trees located within a 0.5 acre triangular area along Central Entrance located within the landscape buffer area of the current plan; and

(e) In Resolution 99-0547, the council required that the landscape plan must "reasonably balance the need of the trees to act as a screening and buffering factor between the project surrounding neighborhoods and the project's needs for its signage to be visible from such surrounding neighborhoods"; and

(f) The application for modification was presented to the planning commission at its September 14, 2010, meeting; and

(g) The planning commission received comments from the city forester who advised in part as follows: "[although the trees may not be of 'significant' size, collectively this stand of trees makes a significant aesthetic and

environmental impact. The area will be changed from trees and ferns to a sign and Mn/DOT roadside mix....."; and

(h) The planning commission received a recommendation from planning staff to deny the application 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, this stand of trees makes a significant aesthetic and environmental impact;

(3) Modification of the approved plan to allow for tree removal is contrary to the purposed 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;

(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; and

(i) The planning commission considered a motion to approve the application which failed on a 2-9 vote; however no member of the commission then offered a motion to deny the application, thus, the application is received by the city council without recommendation from the planning commission; and

(j) Section 50-137 of the City Code provides for the purpose of the C-5 Planned Commercial District and informs the council as follows:

"The C-5 Planned Commercial District is established in order to ensure orderly and attractive commercial growth in areas of the city which exhibit sensitive environmental problems, traffic congestion or other characteristics of urban sprawl. To accomplish this objective the council determines that a detailed review of the design of development in such areas is necessary in order to minimize blighting influences on surrounding uses and neighborhoods, reduce adverse effects of development on the natural environment,

enhance the visual and aesthetic quality of development, and ensure the provision of adequate and cost efficient public facilities"; and

(k) The clear-cutting and removal of all trees located within the 0.5 acre triangular area for purposes of construction of an electronic off-premise sign/billboard is consistent with the purpose of ensuring orderly and attractive commercial growth in areas of the city which exhibit sensitive environmental problems, traffic congestion or other characteristics of urban sprawl; and

(l) The proposal is consistent with the purpose of the C-5 planned commercial district to minimize blighting influences on surrounding uses and neighborhoods, reduce adverse effects of development on the natural environment, enhance the visual and aesthetic quality of development, and ensure the provision of adequate and cost efficient public facilities.

RESOLVED FURTHER, the application for amendment to the C-5 plan for the purposes of constructing and off-premise electronic sign/billboard is approved subject to the following conditions:

(a) The construction of the sign shall be consistent with the plan presented with the application and on file with the city planning division and limited to the area depicted in said plan; and

(b) All other provisions of Resolution 99-0547 remain in full force and effect and shall continue to serve as the approved C-5 plan for the district.

Approved as to form:

Attorney

PC/PLNG CB:eu 9/23/2010

STATEMENT OF PURPOSE: This resolution approves the application to amend the C-5 plan for the planned commercial district located at 1101 Mall Drive and which contains Home Depot, Olive Garden and Texas Roadhouse.