



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

Date: March 20, 2014

To: Council Member Lisa Bender, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning & Planning Committee

Subject:

Name of Appellant: Robert D. Riskin, with and on behalf of adjacent property owners to McDonald's

Name of Original Applicant: Darrent Lazan, Landform

Property Address: 1100-1118 University Avenue NE

Ward #: 3

Appeal of decision of the Zoning Board of Adjustment: Robert D. Riskin with, and on behalf of all property owners immediately adjacent to McDonald's, has filed an appeal of the decision of the Zoning Board of Adjustment granting three sign variances for McDonald's located at 1100-1118 University Avenue NE in the C2 Neighborhood Corridor Commercial District.

Recommendation:

The Zoning Board of Adjustment concurred with the recommendation of CPED Staff to approve three of the four requested variance on February 20, 2014, for the properties at 1100-1118 University Avenue NE, Ward #3, as follows:

1. 1100 and 1118 University Ave NE (BZZ# 6420, Ward 3) (Shanna Sether)

A. Variance: Tracey Kinney of Landform, on behalf of McDonald's USA, LLC, has applied for a variance to increase the number of freestanding signs from one to four at the property located 1100 and 1118 University Ave NE in the C2 Neighborhood Corridor Commercial District.

Action: The Board of Adjustment adopted staff findings and **approved** the variance to increase the number of freestanding signs from one to four for the properties located at 1100 and 1118 University Ave NE in the C2 Neighborhood Corridor Commercial District, subject to the following condition of approval:

1. Approval of the master sign plan by the Department of Community Planning and Economic Development.

Absent: A. Thompson

Aye: S. Cahill, M. Ditzler, J. Finlayson, E. Johannessen, D. Ogiba, D. Sandberg, J. Saufley

Motion passed

B. Variance: Tracey Kinney of Landform, on behalf of McDonald's USA, LLC, has applied for a variance to increase the maximum area of freestanding signs from 80 square feet to 330 square feet at the property located 1100 and 1118 University Ave NE in the C2 Neighborhood Corridor Commercial District.

Action: The Board of Adjustment adopted staff findings and **approved** the variance to increase the maximum area of freestanding signs from 80 square feet to 330 square feet for the properties located at 1100 and 1118 University Ave NE in the C2 Neighborhood Corridor Commercial District, subject to the following condition of approval:

1. Approval of the master sign plan by the Department of Community Planning and Economic Development.

Absent: A. Thompson

Aye: S. Cahill, M. Ditzler, J. Finlayson, E. Johannessen, D. Ogiba, D. Sandberg, J. Saufley

Motion passed

C. Variance: Tracey Kinney of Landform, on behalf of McDonald's USA, LLC, has applied for a variance to increase the maximum height of a menu board from 6 feet to approximately 6 feet 9 inches at the property located 1100 and 1118 University Ave NE in the C2 Neighborhood Corridor Commercial District.

Action: Notwithstanding staff recommendation, the Board of Adjustment **denied** the variance to increase the maximum height of a menu board from 6 feet to approximately 6 feet 9 inches for the properties located at 1100 and 1118 University Ave NE in the C2 Neighborhood Corridor Commercial District, based on the following finding:

Finding #1: The increased height of the menu board to maintain consistency with the existing signage is not a unique circumstance of the property that creates practical difficulties in complying with the ordinance.

Absent: A. Thompson

Aye: S. Cahill, M. Ditzler, J. Finlayson, E. Johannessen, D. Ogiba, D. Sandberg, J. Saufley

Motion passed

D. Variance: Tracey Kinney of Landform, on behalf of McDonald's USA, LLC, has applied for a variance to increase the maximum to increase the maximum height of a freestanding sign from 8 feet to approximately 10 feet 9 inches at the property located 1100 and 1118 University Ave NE in the C2 Neighborhood Corridor Commercial District.

Action: The Board of Adjustment adopted staff findings and **approved** the variance to increase the maximum height of a freestanding signs from 8 feet to approximately 10 feet 3 inches and 10 feet 9 inches, for the properties located at 1100 and 1118 University Ave NE in the C2 Neighborhood Corridor Commercial District, subject to the following condition of approval:

1. Approval of the master sign plan by the Department of Community Planning and Economic Development.

Absent: A. Thompson

Aye: S. Cahill, M. Ditzler, J. Finlayson, E. Johannessen, D. Ogiba, D. Sandberg, J. Saufley
Motion passed

Previous Directives: None

Prepared by: Shanna Sether, Senior City Planner, 612-673-2307 Approved by: Jason Wittenberg, Planning Manager, 612-673-2297 Presenters in Committee: Shanna Sether, Senior City Planner, 612-673-2307

Community Impact

- Neighborhood Notification: Sheridan Neighborhood Organization and Saint Anthony West Neighborhood Organization were sent notification of the appeal on March 10, 2014.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On March 3, 2014, staff sent a letter to the applicant extending the City’s decision period for an additional 60 days, to May 22, 2014.

Background/Supporting Information

Robert D. Riskin with, and on behalf of all property owners immediately adjacent to McDonald’s, has filed an appeal of the decision of the Zoning Board of Adjustment granting three sign variances for McDonald’s located at 1100-1118 University Avenue NE in the C2 Neighborhood Corridor Commercial District. At its meeting on February 20, 2014, the Board of Adjustment voted 7-0 to adopt staff findings and approve three of the four requested variance. The Board of Adjustment amended staff findings and denied a variance to increase the maximum height of a menu board sign from 6 feet to 6 feet 9 inches and voted 7-0. The appellants’ complete statement of the actions and reasons for the appeal are attached. The staff report and attachments are also attached.