

## McDonald's BZZ 6420 Variance Request Appeal Application Reasons

Submitted 2-28-14

Delivered to CPED Staff: Shanna Sether on March 3, 2014

The following is a list of reasons for appeal and consideration for the City Council to rigorously review the proposal and site plan, and perhaps go back to square one and ask for public hearing on the whole plan.

1. In the Minneapolis General Land Use Policy, specifically in the City Comprehensive Plan, it names Broadway and University 'Neighborhood Corridors' where any adjustments must work with surrounding properties. All neighbors occupying adjacent properties do not feel the variance request for increased signage related to a double drive through is in compliance with the spirit or intent of this Policy.
2. Policy 1.2 of the Policy has a sub-category 1.2.2 which ensures that lighting and signage with non-residential uses do not create negative impacts for residential properties. The height and lighted portions of the variance request pose considerable negative impacts in sight, light, noise, and potential for additional auto emission pollutions.
3. The height of the proposed signs is 10' .3'' high per canopy, yet on the plan document, it shows 11' .1''. The 9 foot clearance beam and letters exceed 10'3''.
4. The gateway signs leading to the canopy leading to the order board are redundant signage adding little or no value, and is viewed by appellants as clutter in violation of the ordinance regarding signage.
5. If the signs will be sitting on existing curb, the height of all signage will exceed height proposals.
6. In other McDonald's restaurant locations (*i.e.*, Hiawatha Ave. and Lake Street), the speaker system is incorporated in the upgraded signage. The architect for McDonald's (Landform) says it will be exclusive of the order board, but no other McDonald's with new signage like that what is proposed is like that. This leads us to believe the signage request is flawed and perhaps deceptive of what will actually occur.
7. The signage request was submitted under the specter that the Site Plan was approved last year. However, when brought up at the most recent Sheridan Neighborhood Organization meeting (2/24/14), officials said it was opposed. No public hearing was held on the Site Plan which makes the variance request void.
8. On page C1.1 of the Site Plan document Landform submitted to the variance request, the fine print in the legend describes a plan to demolish the existing building. No public hearing has been set to review this major portion of the relationship of the site plan to the variance request, and therefore should be shelved until the full intent is made clear to all stakeholders.

9. Not all adjacent property owners were properly notified of variance request by city nor by Sheridan Neighborhood Organization nor by the Landform nor by McDonald's Corporation 10 days prior to hearing.
10. Adjacent property owners were not notified of site plan design changes as was done in the 1990's when they last requested to build a new building.
11. There is no undue hardship to McDonald's if they do not build the second drive through lane with accompanying signage.
12. There is significant undue hardship and negative impact to adjacent property owners in terms of safety, parking, pollution (sight lines, light and noise) with the erection of the signage required for the additional drive through lane.
13. There have been frequent violations of conditional use permits by McDonald's. Complaints were apparently not recorded and were not responded to for years.
14. Proposed menu boards are shown on plan proposal as having three sides. City Ordinance 543.360 requires menu boards to be single sided.
15. The requesting firm Landform suggests the necessity of 9 ft. gateway signs to alert drive through customers of the height. As most parking ramps have a seven foot clearance which accommodates pickup trucks with boxes on the back, it is questionable as to what vehicles are to be accommodated. School buses now park on 3rd Street NE and the drivers walk to McDonald's for service. Tour buses currently park on the north and west walls of the fence which will no longer be accessible to them with the proposed signage for the double drive through. This means it will be necessary for the tour buses to park on our neighboring streets or park in the fewer spaces on the property, forcing other customers to park on neighboring streets. Perhaps our neighborhood will need to consider permit only parking and have them ticketed and towed. The signage reduces large vehicle maneuverability on their property,
16. Lighted signs on proposed canopies shed light into neighboring yards regardless of which direction they are pointed. Current lighting is obtrusive enough. It is unnecessary for signs to be illuminated after business hours, which occurs nightly.
17. The proposed signage and site plan call for moving ADA required parking from the northwest door to the west door, actually making handicapped access further away from the entrance points. For ADA patrons, this is especially not good in winter months.
18. Section 1.1.5 of the city code states that the facility property must be compatible with nearby properties, in character with the neighborhood. Minimizing pedestrian and vehicular conflict, promoting street life and activity reinforcing public spaces and visually enhancing development. The signage variance request does nothing but exacerbate the existing unsafe problems with pedestrian and vehicular traffic by making more cars move through the lot with no cross walk in the middle for pedestrians coming from the north.

19. The variance request is not compatible with adjacent residential properties. The majority of the homes are vintage and the signage is futuristic. The building itself is from the 1990's and painted beige and brown, while signs are bright yellow, illuminated, and much more modern in design.
20. The variance is not in keeping with the overall character of the Arts District Neighborhood. As a gateway to the area, it should be less garish with signage and less visually intrusive to visitors.
21. Code 1.1.6 Develop small areas ...in consultation with neighborhood associations and residents. This has not been done.
22. Code 1.2.1 Promote quality design in new development as well as building orientation, scale, buffering, and setbacks that are appropriate with the context of surrounding area. This proposal is not in compliance with the residents of adjacent properties.
23. Code 1.2.2 Ensure lighting and signage do not create negative impacts for residential properties. This variance request does pose many negative impacts including, but not limited to, sight, light, noise, auto emissions, and with potential to attract more traffic through property from and onto the busiest intersection in the neighborhood.
24. Code 1.2.3 Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public, etc. This facility has been and continues to be in violation of all of the above.
25. When McDonald's last construction was proposed in the 1990's, a conditional use requirement was to erect and maintain an eight foot fence to mitigate noise, sight and light pollution. With the proposed height and additional signs on this property, a twelve foot fence would have to be erected to accomplish the same effect as was required in the past. No proposal exists to do this, which represents McDonald's insensitivity to neighboring property owners' rights and comforts. It is suggested any variance approved should include new higher fencing to provide at least the same amount of mitigation as was deemed appropriate when the last changes that were made.
26. There appears to be an open permit from 9/12/12 to fix non-conforming signage. Why is it necessary to create a request for new signage when the old non-conforming signs open permit has been unresolved?
27. As we understand the rules, 80 sq. ft. is the total freestanding sign. So right now McDonald's already has 142 sq. ft. extra sign area and are asking for another 107 sq. ft. because of condition created by the site plan not the persons having interest in the property. The people asking for the variance have owned the property for 40 years and built two buildings to date there. How can it be anyone else who has created the conditions requiring the changes to the signage?
28. With the new signage requested, all of the traffic entering the sight will be forced to drive by all residential properties that boarder it before using the new drive through and driving by again, or going inside to eat. This creates additional auto emissions that the neighboring home owners must suffer, not to mention more noise from engines and radios.

29. In the first review both Landform and the city rep. said the speakers were not in the canopies, asked by many doing the review. But clearly the speakers are installed in them see attached photos of other sites. If the city staff had taken a look at the other properties owned by McDonald's and cite as a reason to approve because of precedence, they would have known this statement to be false.
30. Point 4 in Landform request states the signage will not increase sign clutter. However, a sign notifying you about the height of the building (Gateway sign) and the drive through 12 ft. from another two signs "order here" and the height of the building, is a definition of sign clutter.

Appellants are concerned that sufficient analysis of the proposal has not been conducted by appropriate city departments. The responsibility to uncover the above stated inconsistencies seems to rest with the property owners and residents who, although inexperienced in this area, seem to have been pressured to do this review in a short period of time, and would have missed it had it not been brought to all of our attention two to three days before the variance hearing.

It is therefore respectfully requested that the City Council table the request, have the appropriate departments do a better job of due diligence, and require McDonald's and its architect to be more transparent with all of its intentions so a public hearing can be held with all the facts laid out in bold letters for all to review and understand.









