

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-2336

Date: June 2, 2005

Applicant: Brad Henning, Watson Centers Inc.

Address of Property: 2913 South 26th Avenue & 2904 South 28th Avenue

Project Name: Rainbow Foods

Contact Person and Phone: Steve Martin, 952-832-4543

Planning Staff and Phone: Janelle Widmeier, 612-673-3156

Date Application Deemed Complete: May 6, 2005

End of 60-Day Decision Period: July, 5 2005

Appeal Period Expiration Date: June 13, 2005

Ward: 9 Neighborhood Organization: Longfellow Community Council

Existing Zoning: C3S, Community Shopping Center and PO, Pedestrian Oriented Overlay Districts

Proposed Use: Three wall signs.

Proposed Variances: A variance to increase the maximum allowed area of a wall sign from 300 square feet to 432 square feet and a variance to increase the maximum allowed sign area of a primary building wall from 520 square feet to 795 square feet to allow 3 new wall signs.

Applicable zoning code provisions: Chapter 543 and Chapter 525, Article IX Variances, Specifically Section 525.520(21) “to vary the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district, pursuant to Chapter 543, On-Premise Signs.”

Background:

The subject property is bound by 26th Avenue South, 29th Street East and 28th Avenue South on the west, north and east. Commercial properties border this site to the south and northeast, and there is a residential structure to the north of the building as well. The site consists of a shopping center and fast food restaurant on a 253,313 square foot lot. Rainbow Foods is located in the center of the existing shopping center with 6 other commercial tenants on the East half of the property. The parking lot and a Wendy’s restaurant occupy the west half of the property. The front of the shopping center faces the parking lot. The rear of the building faces the shared loading area off of 28th Avenue South.

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The shopping center has a total of 8 existing wall signs, all of which are on the front. Two of these are for Rainbow. The larger Rainbow sign is approximately 9 feet tall by 46 feet wide and the sign area is 414 square feet. The other Rainbow sign is 3 feet tall by 25 feet wide and the sign area is 75 square feet. The other six signs range in size from 14 square feet to 42 square feet and occupy a total of 157 square feet of sign area. A total of 646 square feet of signage exists on the front façade. There is also one two-sided pylon sign on the site with signage for Rainbow and Wendy's. The pylon sign is located at the west parking lot entrance off of 26th Avenue South. The applicant proposes to reface the pylon sign. The face for the Rainbow sign is 12 feet tall by 16 feet wide and the sign area is 192 square feet.

The applicant is proposing to remodel the front façade to add a larger canopy over the entrance of the grocery store. The applicant is also proposing to place 3 new wall signs on the canopy. The first sign is 9 feet tall by 48 feet wide and the sign area is 432 square feet. The second sign is 7 feet tall by 26.5 feet wide and the sign area is 182 square feet. The purpose of these two signs is to update the store's logo. They will also replace the two existing wall signs. The third proposed sign is 3 feet tall by 8 feet wide and the sign area is 24 square feet. The purpose of this sign is to identify the banking service provided inside the grocery store. There are no previous land use application approvals on record for signage. However, a conditional use permit to allow 24-hour operation was granted in 1984. The Longfellow Community Council was informed of this application on April 4, 2005. As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Maximum area allowed for a wall sign: The applicant is seeking a variance to increase the maximum allowed area of a wall sign from 300 square feet to 432 square feet.

Strict adherence to the ordinance allows a 300 square foot wall sign. The area of the existing sign already exceeds what is allowed by the zoning ordinance by 114 square feet. The applicant is proposing to increase the area of the new sign further. The applicant has indicated that the increased area is needed to see the sign from the street and that a smaller sign would be too small for the size of the façade.

The proposed alterations to the façade increase the area to install wall signage on. The existing Rainbow canopy is approximately 18 feet tall by 75 feet wide and curves back and over the building. Because of the curve, only half of the canopy is perpendicular to the ground and this limits the vertical wall area that signage can be placed on. This area is approximately 675 square feet. The proposed canopy is similar in size at 21 feet tall by 75 feet wide. The applicant is altering the façade by straightening out the curve and adding a 3 foot tall cornice thereby increasing the overall vertical height of the canopy. Without the cornice, the flat, vertical area of the proposed façade is 1,350 square feet in area.

The shopping center is separated from the street it faces by its parking lot. The distance between the building façade and 26th Avenue South is 390 feet. A Target store is located directly across

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26th Avenue from the Rainbow Foods store and is also in the C3S district. The Target store is set back approximately the same distance as Rainbow from 26th Avenue. The sign for Target is not more than 300 square feet in area and is discernible from the street. Although most signage in the area complies with the zoning ordinance regulations, the Cub Foods store located across 26th Avenue from the Rainbow Foods store in the C3S district has signage that exceeds the area that is allowed. Cub Foods has 2 wall signs, each over 300 square feet in area. However, the Cub Foods store occupies its own building and does not share sign area with other tenants, and it also does not have a freestanding sign. In addition, this signage was approved under the 1963 zoning code.

In addition to the wall sign, the Rainbow Foods store has an existing pylon sign located off of 26th Avenue. The pylon sign area is 192 square feet and is 36 feet tall. The pylon sign allows visibility from Lake Street East and beyond to the South and 28th Street East and beyond to the North along 26th Avenue.

If the applicant reduced the size of the wall sign to meet the regulation requirements, the signage would not require a variance. Staff does not believe that a wall sign meeting the requirements is too small for the façade or difficult to read from the street. Strict adherence to the regulations would not prohibit reasonable use of the property or cause undue hardship.

Maximum sign area allowed for a building wall: The applicant is seeking a variance to increase the maximum allowed sign area of a primary building wall from 520 square feet to 795 square feet to allow 3 new wall signs. The existing amount of signage on the façade exceeds what is currently allowed by the ordinance by 126 square feet. The applicant is proposing to increase the signage area further with more and larger signs. Strict adherence to the code would allow 363 square feet of sign area to be used by Rainbow. The applicant is requesting a total of 638 square feet of wall signage for the Rainbow Foods tenant. This amount includes the 432 square foot wall sign requested in the first variance. The applicant has indicated the increased area is needed to see the signs from the street and that smaller signs would be too small for the size of the façade. The applicant also indicated that due to the number of tenants in this building, 520 square feet of signage is not practical to meet the signage needs of all seven tenants.

Each tenant in the shopping center has existing signage for their business. The tenants store fronts not including Rainbow, occupy 70 percent of the front façade; however, their existing signage is only 30 percent of the 520 square feet allowed by the ordinance. Each of the other tenants only has one sign for their business. These smaller signs of adjacent businesses are visible from the street as previously mentioned.

The applicant is increasing the size of the façade to add more signage. Since the width of the façade is not changing, the amount of sign area allowed does not increase. Increasing a façade size does not warrant increasing the amount of signage allowed for a building. The three wall signs are proposed are in addition to the existing pylon sign for the Rainbow Foods tenant. The pylon sign has more visibility than the existing wall signs. Increasing the size of the wall signs does not increase their visibility to areas other than directly in front of the building. In addition, the variance is not necessary if the applicant reduced the size of the proposed wall signs. Staff could find no evidence that the size of the façade and the number of tenants in the shopping center require additional sign area or that larger signs are necessary. Therefore strict adherence to the regulations does not cause undue hardship.

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2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Maximum area allowed for a wall sign and maximum sign area allowed for a building wall:

As previously mentioned, the applicant is seeking a variance to increase the maximum allowed area of a wall sign from 300 square feet to 432 square feet and a variance to increase the maximum allowed sign area of a primary building wall from 520 square feet to 795 square feet to allow 3 new wall signs. The applicant has indicated that the increased area is needed to see the signs from the street and that smaller signs would be too small for the size of the façade. The placement of the shopping center away from the street limits the visibility of the front façade from streets other than 26th Avenue. The shopping center was built in 1984 and Rainbow Foods was not the original grocery store tenant. Therefore the applicant did not create this circumstance. However, this is not a unique circumstance because the other stores in the area are typically set back from the street. These stores also have signs that meet the zoning ordinance regulations. Larger signage does not necessarily provide an advantage to the property. Staff believes that increasing the area of the sign will not make the sign easier to read due to the existing limited visibility. Adding a larger canopy is a circumstance created by the applicant. It is possible to construct a façade with the same proposed design elements at a smaller scale. The conditions upon which the sign area variance is requested are not unique to this parcel of land.

3. **The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Maximum area allowed for a wall sign and maximum sign area allowed for a building wall:

Staff does not believe the granting of the variance would be in keeping with the intent of the ordinance. The purpose of the signage regulations is to allow for effective signage appropriate to the character of each zoning district. The C3S district is established to provide major retail centers and already allows for larger signage that reflects the needs of major shopping centers. The applicant already has a pylon sign that provided visibility to the street and the addition square footage requested by the applicant does not significantly increase the visibility for the wall signage beyond the signage that is already in place. Granting the variance would allow a sign that is not necessary, is larger for a district that already allows bigger signs, would alter the character of the area by allowing signs that are larger than others in the area, and therefore, circumvents the intent of the ordinance.

Staff believes that the proposed amount of signage may not be injurious to the use or enjoyment of other property in the vicinity. The proposed signs are internally illuminated and the applicant has submitted a lighting plan that shows lighting levels meeting the zoning ordinance regulations, and thereby does not adversely affect neighboring residential uses or passersby of adjacent streets. However, larger signs and the associated sign clutter have a negative aesthetic effect on the surrounding area such as light pollution.

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- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Maximum area allowed for a wall sign and maximum sign area allowed for a building wall: Granting the variances would likely have no impact on the congestion of area streets or fire safety, nor would the increased height be detrimental to the public welfare or endanger the public safety.

Findings Required by the Minneapolis Zoning Code for a sign adjustment:

- 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.**

Maximum area allowed for a wall sign and maximum sign area allowed for a building wall: Staff does not believe that the proposed amount of signage is in scale with the building or other signs on the site. The C3S district is established to provide major retail centers and already allows for larger signage. However, the purpose of the signage regulations is to allow for effective signage appropriate for the character of each zoning district. The site is also in the PO overlay district. The PO district is established to encourage the pedestrian character of commercial areas and promote street life and activity by regulating building design. The district prohibits certain types of signs, such as pole signs. Rainbow's existing pylon sign already effectively advertised to automobile users, which is inconsistent with the purpose of the PO overlay districts. The proposed wall signs are also inconsistent with the districts purpose by purposely orienting them towards automobile users and not the pedestrian. Larger signs and the associated sign clutter have a negative aesthetic effect on the surrounding area for pedestrians.

- 2. The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.**

Maximum area allowed for a wall sign and maximum sign area allowed for a building wall: Staff does not believe that the proposed amount of signage is in scale with the building or other signs on the site. They are not more consistent with the architecture and design of the site. The proposed signs are of the same quality as the existing signs. One is a back lit panel sign. The other two are internally lit individual letters. These are not of an exceptional design or style that will enhance the area.

RECOMMENDATIONS

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Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the above findings and **deny** the variance to increase the maximum allowed area of a wall sign from 300 square feet to 432 square feet and to **deny** the variance to increase the maximum allowed sign area of a primary building wall from 520 square feet to 795 square feet to allow 3 new wall signs.