

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-3921

Applicant: Mike McGuire, on behalf of Little Caesars and Wellington Management

Address of Property: 2218 East Lake Street

Contact Person and Phone: Mike McGuire, (734) 276-9836

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: March 3, 2008

Publication of Staff Report: March 21, 2008

Public Hearing: March 27, 2008

Appeal Period Expiration: April 7, 2008

End of 60 Day Decision Period: May 3, 2008

Ward: 9 **Neighborhood Organization:** East Phillips Improvement Coalition
Adjacent to: Corcoran Neighborhood Organization
Longfellow Community Council

Existing Zoning: C2 Neighborhood Corridor Commercial District and the PO Lake Street/Midtown LRT Transit Station Area

Proposed Use: A new 98.5 square foot window sign

Proposed Variance: A variance to increase the maximum amount of signage from 114 to 192.5 to allow for a 98.5 square foot window sign for Little Caesars pizza at 2218 East Lake Street in the C2 Neighborhood Corridor Commercial District and the PO Lake Street/Midtown LRT Transit Station Area.

Zoning code section authorizing the requested variance: 525.520 (21)

Background: The subject site is the Little Caesars tenant space in the Hi-Lake shopping center. The Hi Lake shopping center contains twelve tenant spaces in the main structures and has two out-buildings with seven more tenant spaces. The Hi-Lake shopping center has been the focus of numerous land use applications in efforts to update the site. In 2005 the subject property received approvals (BZZ-2639) for a Planned Unit Development (PUD) to allow for improvements to the property including the construction of a mixed use building containing a grocery store and residential units. As part of the

application a master sign plan was submitted and approved for the entire Hi-Lake site including the subject tenant space.

The subject tenant space, currently occupied by Little Caesars, is allowed a total 114 square feet of signage allocated equally on its south facing and west facing facades. In May 2007 the subject site received sign permits for two wall signs: a 70 square foot wall sign facing southwest and a 24 square foot wall sign on the west façade. In December 2007 the applicant received a zoning violation for installing a 98.5 square foot window sign on the west façade without a permit. The addition of the 98.5 square foot window sign results in a total of 192.5 square feet of signage for the tenant space. A variance is required to increase the amount of signage from 114 square feet to 192.5 square feet to allow for the window signage.

Findings Required by the Minneapolis Zoning Code:

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

The applicant has requested a variance to increase the amount of signage from 114 square feet to 192.5 square feet to allow for a 98.5 square foot window sign. In 2005 a master sign plan was adopted as part of the approval of a PUD for the subject property. The master sign plan allows the south and west facades of the tenant space to have 57 square feet of signage each. In total the subject tenant space has a sign budget of 114 square feet.

Under the strict interpretation of the zoning ordinance the subject site would be allowed to have 1 square foot of signage per 1 linear foot of building wall because of the presence of the freestanding sign for the Hi Lake center. The tenant space has 84 feet of building wall and would be allowed 84 square feet of signage, which is 30 square feet less than what the adopted master sign plan would allow at 114 square feet. Staff does not believe there is hardship caused by strict interpretation of the zoning ordinance. The applicants already have the ability to have more signage than the zoning ordinance would typically allow.

- 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.**

The conditions upon which the variance is sought are not unique to the property. A generous master sign plan was submitted by the building owner and approved by staff for this site. The applicant states that:

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“Based on the current floor plan and design of the Little Caesars, the windows on the West side of the current structure would represent a safety liability to those present inside the Little Caesars, and therefore represents a safety liability for Little Caesars itself.”

The applicant has not indicated what the safety liability is in this statement. The applicant received a building permit in April 2007 to build-out the Little Caesars tenant space. The subject window area existed at this time. The applicant had the ability to layout the space differently if they were concerned about the safety liability or could have found another location for their business. The applicant’s concerns about the configuration of the space are created by the applicant.

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.**

The proposed sign variance is not in keeping with the spirit and intent of the ordinance. The master sign plan was submitted by the applicant and approved as part of the 2005 PUD. The intent of having a master sign plan is to ensure that tenant spaces have an appropriate allocation of signage and to reduce sign clutter.

In addition to the master sign plan the approvals for the improvements to the structures were granted based on providing a certain percentage of windows. The applicant has not provided information regarding how the proposed window signage will affect the total window percentage. Staff is concerned that the proposed window sign, which blocks views in and out of the windows, will reduce the window area below the requirements of the site plan approval (BZZ-421).

The zoning ordinance requirement of windows is supported by policies adopted by the City Council. Chapter 9.11 of the 2000 Comprehensive Plan states: *Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.* This policy has the following implementation step regarding storefront windows: *Require storefront transparency to assure both natural surveillance and an inviting pedestrian experience.* This same policy and implementation step is also included in the 2008 Comprehensive Plan Update in section 8.10.6

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.**

Granting the variance would not likely increase congestion in the area or increase the danger of fire safety. The proposed variance could reduce the window coverage to below the previously approved zoning requirements which would be detrimental to public welfare or 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.**

Staff believes the subject sign will significantly increase or lead to sign clutter. The master sign plan was created to control sign clutter. The subject sign nearly doubles the amount of signage for the subject tenant space.

- 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.**

The proposed sign is a window sign and does not enhance the area or is consistent with the design of the site.

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** a variance to increase the maximum amount of signage from 114 to 192.5 to allow for a 98.5 square foot window sign for Little Caesars pizza at 2218 East Lake Street in the C2 Neighborhood Corridor Commercial District and the PO Lake Street/Midtown LRT Transit Station Area.

Attachments

1. Applicant's statement
2. Map of the area
3. Plans and photos of wall sign
4. Plans and photos of previously approved signage and floor plans
5. Copy of approved master sign plan