

Department of Community Planning and Economic Development - Planning Division Report
Variance
BZZ-5408

Date: December 15, 2011

Applicant: Leroy Signs, Inc.

Address of Property: 4740 Minnehaha Avenue

Project Name: Dairy Queen/Orange Julius Monument Sign

Contact Person: Kaj Reiter, (763) 535-0080 x305

Planning Staff: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: November 21, 2011

End of 60-Day Decision Period: January 20, 2012

Ward: 12 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: C3A Community Activity Center District

Zoning Plate Number: 34

Legal Description: Not applicable

Proposed Use: One new monument sign

Concurrent Review:

- Variance to increase the maximum height of a freestanding sign from 8 feet to 13 feet
- Variance to increase the maximum area of a freestanding sign from 80 square feet to approximately 97 square feet

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, specifically Section 525.520(21)(21) “to vary the number, type, height, area or location of allowed signs...”

Background: The subject property is approximately 19,297 square feet and is an existing delicatessen restaurant. The applicant recently demolished the previous building and constructed a new 3,063 square foot building, in approximately the same location at the southeast corner of the lot in 2009 and applied for an administrative site plan review.

When the Administrative Site Plan Review application was approved March 20, 2009, the applicant proposed one monument sign on the property located at the southeast corner of the block at Minnehaha

Avenue and Nawadaha Boulevard. The proposed sign was an internally illuminated monument sign, 13 feet in height and approximately 80 square feet in area. At the time, the proposed sign complied with the height and area requirements in the sign ordinance. A text amendment for the sign chapter was adopted by the City Council on July 17, 2009, and the maximum sign height for a monument sign was reduced from 25 feet to 8 feet. The applicant did not apply for sign permits prior to July 17, 2009, and therefore did not have durable rights to the proposed sign.

The applicant is now proposing to install a new monument sign, 13 feet in height and approximately 97 square feet in area. The maximum height and area of a monument sign in the C3A District is 8 feet and 80 square feet, respectively. Therefore, the applicant is requesting two variances to increase the maximum height and area of the new monument sign.

Staff has not received correspondence from the Longfellow Community Council. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCES to increase the maximum permitted height and area for a new monument sign

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Both variances: The circumstances of the height and area variances are not unique to the parcel and have been created by the applicant. The applicant states the increased height and area of the proposed sign is due to the need for increased visibility to passersby to advertise the business and direct potential customers to the restaurant, which is open seasonally. Staff recognizes the need for visibility and identification of the use, however, the area is pedestrian in nature and an 8 foot tall, 80 square foot sign should be sufficient to attract business. Staff believes that a monument sign that meets the maximum height and area requirements set forth in the zoning code will not create a practical difficulty.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Both variances: The applicant is seeking a variance to increase the maximum permitted height from 8 feet to 13 feet and maximum permitted area from 80 square feet to approximately 97 square feet for a proposed monument sign. The applicant states the increased height and area of the proposed sign is due to the need for increased visibility to passersby to advertise the business and direct potential customers to the restaurant, which is open seasonally. The regulations governing on-premise signs were established to allow effective signage appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property and to protect the public health safety and welfare. Staff believes that the proposed monument sign, 13 feet in height and 97 square feet in area will diminish the pedestrian experience in the area by increasing visual clutter. The existing building has wall signage along the north, east and south walls, which face vehicular, pedestrian and bicycle traffic. The subject property allows for freestanding signs to be 8 feet in

height and 80 square feet in area, which staff believes is a reasonably sized sign to allow for effective identification.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Both variances: The proposed signage may alter the essential character and be injurious to the use or enjoyment of property in the vicinity. Staff believes that the proposed monument sign, 13 feet in height and approximately 97 square feet in area will diminish the pedestrian experience in the area by increasing visual clutter. Granting the sign variance would not likely be detrimental to health, safety or welfare of the general public.

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.**

Both variances: The proposed monument signage would be located at the southeast corner of the property at the intersection of Minnehaha Avenue and Nawadaha Boulevard. There are three existing wall signs on the property; along the south wall facing Nawadaha Boulevard, along the east wall facing Minnehaha Avenue and along the north wall facing southbound traffic on Minnehaha Avenue. The regulations governing on-premise signs were established to allow effective signage appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property and to protect the public health safety and welfare. The subject property is zoned C3A Community Activity Center District and is adjacent to a Pedestrian Oriented Overlay District to the north along Minnehaha Avenue. Staff believes that the applicant is seeking a larger and taller sign at the intersection to attract additional vehicular traffic. Staff believes that if the proposed sign was built at a height of 8 feet or less and 80 square feet in area or less it would be in keeping with the purpose of the zoning district and will be less likely to lead to sign clutter.

- 2. The sign adjustment will allow a sign that relates in size, shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located.**

Both variances: It is staff's opinion that the signs will relate in shape, material, color, illumination of the building and existing signage on the property. The sign will be professionally installed with quality materials. The signage is proposed to have a brick base, and an opaque blue cabinet with the "DQ" and "Orange Julius" logos illuminated internally. However, the proposed sign will be out of character with the size and scale of the existing building. The existing building is 19 feet to the parapet and the proposed sign will be 13 feet in height and 97 square feet in area.

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

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to increase the maximum height of a new monument sign from 8 feet to 13 feet for an existing restaurant located at 4740 Minnehaha Avenue in the C3A Community Activity Center District.

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

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to increase the maximum area of a new monument sign from 80 square feet to approximately 97 square feet for an existing restaurant located at 4740 Minnehaha Avenue in the C3A Community Activity Center District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of letters sent to Longfellow Community Council and CM Colvin-Roy
- 3) Correspondence
- 4) Zoning map
- 5) Site plan
- 6) Sign plan – monument
- 7) Sign plan – existing wall signs
- 8) Photographs