

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5479

Date: March 8, 2012

Applicant: Kari Bartman

Address of Property: 509-513 1st Avenue Northeast

Project Name: Red Stag Supperclub Signage

Contact Person and Phone: Anne Saxton, (612) 822-6302 x106

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

Date Application Deemed Complete: February 2, 2012

End of 60-Day Decision Period: April 2, 2012

Ward: 3 Neighborhood Organization: Nicollet Island—East Bank Neighborhood Association

Existing Zoning: C2 Neighborhood Corridor Commercial District

Proposed Use: Signage

Concurrent Review: Amendment to a sign variance that was granted for a projecting sign to remove the condition of approval not allowing any other projecting or wall signs to be installed for the business for the property located at 509-513 1st Ave NE to allow additional signage for the Red Stag Supperclub.

Applicable zoning code provisions: Chapter 525, Article IX Variances, 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 applicant is requesting to amend a sign variance that was granted for a projecting sign to remove the condition of approval not allowing any other projecting or wall signs to be installed for the business for the property located at 509-513 1st Ave NE to allow additional signage for the Red Stag Supperclub. In 2008, a variance to increase the maximum size of a projecting sign from 16 square feet to 45 square feet (BZZ-4202) was granted with the following conditions (emphasis added):

1. No other projecting signs or wall signs may be installed for this business;
2. Future replacement projecting signs must meet the 16 sq. ft. size requirements for projecting signs, and
3. A sign permit is obtained for the projecting sign that is reviewed by CPED-Planning staff.

The applicant is proposing to install two new wall signs. A 60 square foot (3 foot tall by 20 feet wide) neon sign is proposed on the wall facing 1st Avenue Northeast. It would be placed 14 feet above the adjacent grade. The second sign would be 36 square feet in area (3 feet tall by 12 feet wide) and located on the wall facing the on-site parking lot. It would be externally illuminated and placed 12 feet above the adjacent grade.

The restaurant is located in a two-story multi-tenant building. It shares the ground floor with one other business, City Salvage Architectural Artifacts. In addition to the red stag projecting sign, the only other tenant signage on the site is window signs facing 1st Avenue Northeast for both ground floor uses.

The proposed signage is subject to the regulations of Chapter 543 On-Premise Signs of the zoning code. Signage is only allowed on primary building walls. Both walls where the new signs are proposed to be located are primary building walls. In the C2 district, up to 1.5 square feet of signage for each one foot of primary building wall is allowed when there is no freestanding sign on the same zoning lot. The width of the building wall facing 1st Avenue Northeast is 83 feet; therefore a total of 124.5 square feet of signage is allowed on that building wall. The width of the building wall facing the on-site parking lot is 81 feet; therefore a total of 121.5 square feet of signage is allowed on that building wall. Because the projecting red stag sign is located on the corner of the building where the two primary building walls intersect, the area of the sign is divided equally between the two walls. Window signs are also included in the calculation of the total permitted building sign area. The zoning code does not allow sign area based upon one primary building wall to be placed on any other building wall. The total amount of existing and proposed sign area would not exceed the total permitted sign area on each primary building wall. Also in the C2 district, wall signs are limited to a maximum of 180 square feet in area, can be placed up to 28 feet above the adjacent grade, and can be internally or externally lit, but not backlit. The proposed signs would also comply with these regulations.

As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward additional comments, if any are received, at the Board of Adjustment meeting.

VARIANCE: to amend a sign variance that was granted for a projecting sign to remove the condition of approval not allowing any other projecting or wall signs to be installed for the business for the property located at 509-513 1st Ave NE to allow additional signage for the Red Stag Supperclub.

Findings as Required by the Minneapolis Zoning Code for a Variance:

- 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.**

Upon granting the previous variance to increase the size of a projecting sign, the Board of Adjustment found that future signs for the business should be limited to the existing projecting sign and existing window signs to ensure that sign clutter would not occur with the current use. Notwithstanding the condition of approval that does not allow any other exterior signage for this business, the zoning code allows additional signage to be installed on the building. The proposed wall signs would comply with all zoning code requirements. The amount of window signage could be increased to cover up to 30 percent of the windows. However, increasing the amount of

window signage to the extent allowed would likely have the same effect as adding more exterior signage on the perception of sign clutter.

The applicant has indicated that the existing projecting sign, which does not include the name of the business, and the window signage does not provide sufficient visibility for customers to identify the business and thus is negatively affecting its vitality. Although the restaurant is located in a storefront building, 1st Avenue Northeast does not have the same level of pedestrian traffic as other nearby streets such as where Hennepin Avenue and Central Avenue intersect with University Avenue and 4th Street. Also, 1st Avenue Northeast is a one-way street. These circumstances can create a need for identifying the business name and use at more than just the pedestrian level.

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.

Regulations governing on-premise signs are 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 C2 Neighborhood Corridor Commercial District is established to provide an environment of retail sales and commercial services that are larger in scale than allowed in the C1 District and to allow a broader range of automobile related uses. It also allows a variety of commercial uses, residential uses, institutional and public uses, parking facilities, limited production and processing and public services and utilities. Comprehensive plan policies are also aligned with the purpose of these regulations.

Allowing the restaurant to install additional signage for identification purposes is reasonable because the zoning code allows more permitted sign area on the building than is currently installed. Because the restaurant is located in a multi-tenant building, other tenants may have additional signage needs in the future. The restaurant occupies 50 feet of the 83 foot wide first floor along 1st Avenue Northeast. It occupies all of the first floor building wall facing the on-site parking lot. The existing and proposed signage for the restaurant would take up nearly 80 percent of the allowed sign area on the 1st Avenue Northeast building wall even though it occupies only 60 percent of the frontage. Granting the variance would be in keeping with the spirit and intent of the ordinance and comprehensive plan if the total amount of signage allotted to the restaurant is limited to the amount of sign area allowed by the ordinance as determined by the wall area the restaurant occupies on each primary building wall. Therefore, staff is recommending that the Board of Adjustment allow not more than 75 square feet of sign area for the restaurant on the 1st Avenue Northeast building wall. The existing projecting sign and restaurant window signs occupy approximately 38 square feet of the allotted sign area on the 1st Avenue Northeast building wall. With the adoption of the staff recommendation, the amount of the existing signage and/or proposed signage will need to be reduced.

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.

The restaurant is located in a multi-tenant building. Surrounding uses include nonresidential uses and parking lots. Upon granting the previous variance to increase the size of a projecting sign, the Board of Adjustment found that future signs for the business should be limited to the existing projecting sign and existing window signs to ensure that sign clutter would not occur with the current use. The zoning code allows more sign area on the building than has been installed. If the total amount of signage allotted to the restaurant is limited to the amount of sign area allowed by the ordinance as determined by the wall area the restaurant occupies on each primary building wall, then sign clutter should not become an issue. Granting of 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.

Additional Findings Required by the Minneapolis Zoning Code for a Sign Variance:

- 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.**

The C2 Neighborhood Corridor Commercial District is established to provide an environment of retail sales and commercial services that are larger in scale than allowed in the C1 District and to allow a broader range of automobile related uses. It also allows a variety of commercial uses, residential uses, institutional and public uses, parking facilities, limited production and processing and public services and utilities. Commercial uses have identification needs to make them successful. If the total amount of signage allotted to the restaurant is limited to the amount of sign area allowed by the ordinance as determined by the wall area the restaurant occupies on each primary building wall, then the sign adjustment will not significantly increase or lead to sign clutter in the area or result in signage that is inconsistent with the purpose of the C2 district.

- 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.**

The applicant is proposing to install two new wall signs. A 60 square foot (3 foot tall by 20 feet wide) neon sign is proposed on the wall facing 1st Avenue Northeast. It would be placed 14 feet above the adjacent grade. The second sign would be 36 square feet in area (3 feet tall by 12 feet wide) and located on the wall facing the on-site parking lot. It would be externally illuminated and placed 12 feet above the adjacent grade. The existing building is a two-story, brick storefront with multiple tenants. Additional signage for the restaurant allows the ability to provide adequate identification for the use.

RECOMMENDATION

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 above findings and **approve** the amendment to the previously granted sign variance for a projecting sign to remove the condition of approval not allowing any other projecting or wall signs to be installed for the business for the property located at

CPED - Planning Division Report
BZZ-5479

509-513 1st Ave NE to allow additional signage for the Red Stag Supperclub, subject to the following condition:

1. Not more than 75 square feet of signage shall be allowed on the 1st Avenue Northeast building wall for this business or future occupants of this tenant space.

Attachments:

1. Applicant's responses to the findings
2. Zoning map
3. Proposed sign illustrations
4. Photos