



LAND USE APPLICATION SUMMARY

Property Location: 3900 East Lake Street
Project Name: Peppers and Fries Signage
Prepared By: [Janelle Widmeier](#), Senior City Planner, (612) 673-3156
Applicant: Steve Frias
Project Contact: Steve Frias
Request: To allow a freestanding sign and changes to the parking lot landscaping for the Peppers and Fries restaurant.

Required Applications:

Variance	To allow a pole sign.
Variance	Of the landscaping requirements for a parking lot.

SITE DATA

Existing Zoning	C2 Neighborhood Corridor Commercial District
Lot Area	14,215 square feet
Ward(s)	2
Neighborhood(s)	LLC
Designated Future Land Use	Mixed Use
Land Use Features	Commercial Corridor (Lake Street)
Small Area Plan(s)	Not applicable

Date Application Deemed Complete	August 8, 2016	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	October 7, 2016	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. A restaurant, Peppers and Fries, is located on the subject site. According to the City permit records, it appears that the existing building was constructed in the 1970's. A self-service gas station operated on the site until 2004.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties include a mix of uses, including retail, food and beverage uses, and residential uses.

PROJECT DESCRIPTION. The applicant is proposing to install a freestanding sign at the southwest corner of the property of 3900 East Lake Street. An 80 square foot pole sign, 16 feet in height, is proposed. Pole signs are not allowed in the zoning code; therefore, the applicant is requesting a variance to allow this sign type. To make the sign more visible, two trees in the landscaped yard adjacent to Lake Street are proposed to be removed. As required by sections 541.360 and 530.170 of the zoning code, landscaping and screening is required to be provided between surface parking areas and public streets. The landscaping requirements include providing at least one tree for each 25 linear feet of parking lot frontage. Removal of the trees would impact compliance with this requirement. Therefore the applicant is also requesting a variance of the landscaping requirements for parking lots.

Please note that if the variance to allow a pole sign is approved, the zoning code would allow that sign to be 16 feet in height.

RELATED APPROVALS. In 2014, a site plan review was administratively approved. The zoning review for compliance included the layout of the parking area and landscaping and screening. As part of the Lake Street reconstruction project completed around 2008, streetscape improvements were installed. The improvements included wider public sidewalks, landscaping, and decorative fencing. For properties with parking lots adjacent to Lake Street, trees, shrubs and fencing were installed to provide a buffer between the parking lots and the public sidewalks as well bring the parking lots closer to compliance with the screening and landscaping requirements of the zoning code. Although these improvements were installed by the City, they were considered as part of the approved site plan in 2014.

PUBLIC COMMENTS. As of writing this report, correspondence from the neighborhood group, Longfellow Community Council, and others have been received and are attached to this report. Any additional correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCES

The Department of Community Planning and Economic Development has analyzed the application for **1)** a variance to allow a pole sign and **2)** a variance of the landscaping requirements for a parking lot based on the following findings:

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.*

A 16 foot tall pole sign¹ and removal of two existing trees in the landscaped yard between the on-site parking lot and the Lake Street public sidewalk is proposed. The applicant has indicated that the type of sign and removal of the trees are necessary to increase visibility of the identification of the business due to the 80 foot setback of the existing building from Lake Street, a bus shelter located at the corner of Lake Street and 39th Avenue South, the two trees, and shrubs that screen the on-site parking lot. However, CPED staff did not find that practical difficulties exist in complying with the ordinances. The glass bus shelter is located at the back of the street curb and is approximately 20 feet from the proposed sign location. The zoning ordinance would allow an 8 foot tall monument sign². The shrubs were installed to provide screening for the parking lot as required by the zoning code. That screening is required to be 3 feet tall. The existing trees appear to be canopy trees. Although they may somewhat currently impede visibility of an 8 foot tall sign, the lower branches can be trimmed up as the trees mature. Therefore, the zoning code would not prevent effective signage from being installed.

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. In addition to commercial uses, residential uses, institutional and public uses, parking facilities, limited production and processing and public services and utilities are allowed. In 2009, the zoning code was amended to no longer allow pole signs in order to lessen sign clutter and restrict the installation of signage that is overly auto-oriented and not pedestrian oriented.

¹ The zoning code defines a pole sign as “a freestanding sign which has its supportive structure anchored in the ground or on a solid base not at least as wide as the sign, or which has a sign face elevated above the ground or base by one (1) or more poles or beams and with an open area between the sign face and the ground or base of more than one (1) foot.”

² The zoning code defines a monument sign as “a freestanding sign with its sign face mounted on the ground, on a solid base at least as wide as the sign, or on one (1) or more poles or beams with not more than one (1) foot of open area between the sign face and the ground or base.”

Landscaping and screening requirements for surface parking lots are established to promote development that is compatible with nearby properties, neighborhood character, natural features and plans adopted by the city council, to minimize pedestrian and vehicular conflict, to reinforce public spaces, to promote public safety, and to visually enhance development. Requiring trees between parking lots and public streets provides additional shade for pedestrians, reduces the heat island effect, and lessens adverse aesthetic impacts of parking lots and auto-oriented uses.

The applicant has indicated that if the variances are approved, they would plant two replacement trees elsewhere on the site. However, this alternative would not address the intent of the landscaping requirements at the street intersection. Because a monument sign is allowed that would provide effective signage with the existing trees as they mature, the request for a pole sign and removal of two trees is not reasonable nor in keeping with the spirit and intent of the ordinance and comprehensive plan.

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.*

There is a mix of uses in the immediate area along Lake Street, including some automobile oriented uses and accessory parking lots. There are also existing examples of pole signs, which are considered to be auto-oriented. Although auto-oriented uses continue to be allowed along Lake Street, new development is required to incorporate pedestrian-oriented design to implement the long-term character envisioned for commercial corridors that support a mix of uses with a range of goods and services available and promote pedestrian access. Residential uses are also located to the north. The requested variances would affect the Lake Street side of the site, and therefore should have little effect on nearby residential properties and would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. However, granting the variances would not be consistent with the character envisioned for this area and would remove streetscape improvements.

Additional Standards for Sign Adjustments

In addition, the Planning Commission shall consider, but not be limited to, the following factors when considering an adjustment to 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:

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.*

There is one existing sign on the site. It is a 70 square foot, externally illuminated wall sign located on the south side of the building facing Lake Street. Installing an 80 square foot freestanding sign would not create clutter on the site. However, installing a pole sign would not be consistent with the purpose of the C2 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. In addition to commercial uses, residential uses, institutional and public uses, parking facilities, limited production and processing and public services and utilities are allowed. A pole sign is considered to be auto-oriented and is no longer a permitted sign type anywhere in the City. Although the C2 district allows automobile related uses, new development is required to incorporate pedestrian-oriented design elements. Further, the zoning code allows for effective signage to be provided on this site.

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 proposed sign materials are aluminum for the sign face with acrylic letters and a steel pole. The sign would be internally illuminated. Although the sign cabinet shape, material, color, and illumination would relate with the one-story, brick building, the type of the sign is not in keeping with the character of the building and the property.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application by Steve Frias for the property located at 3900 East Lake Street:

A. Variance to allow a pole sign.

Recommended motion: **Deny** the variance to allow a pole sign.

B. Variance of landscaping requirements.

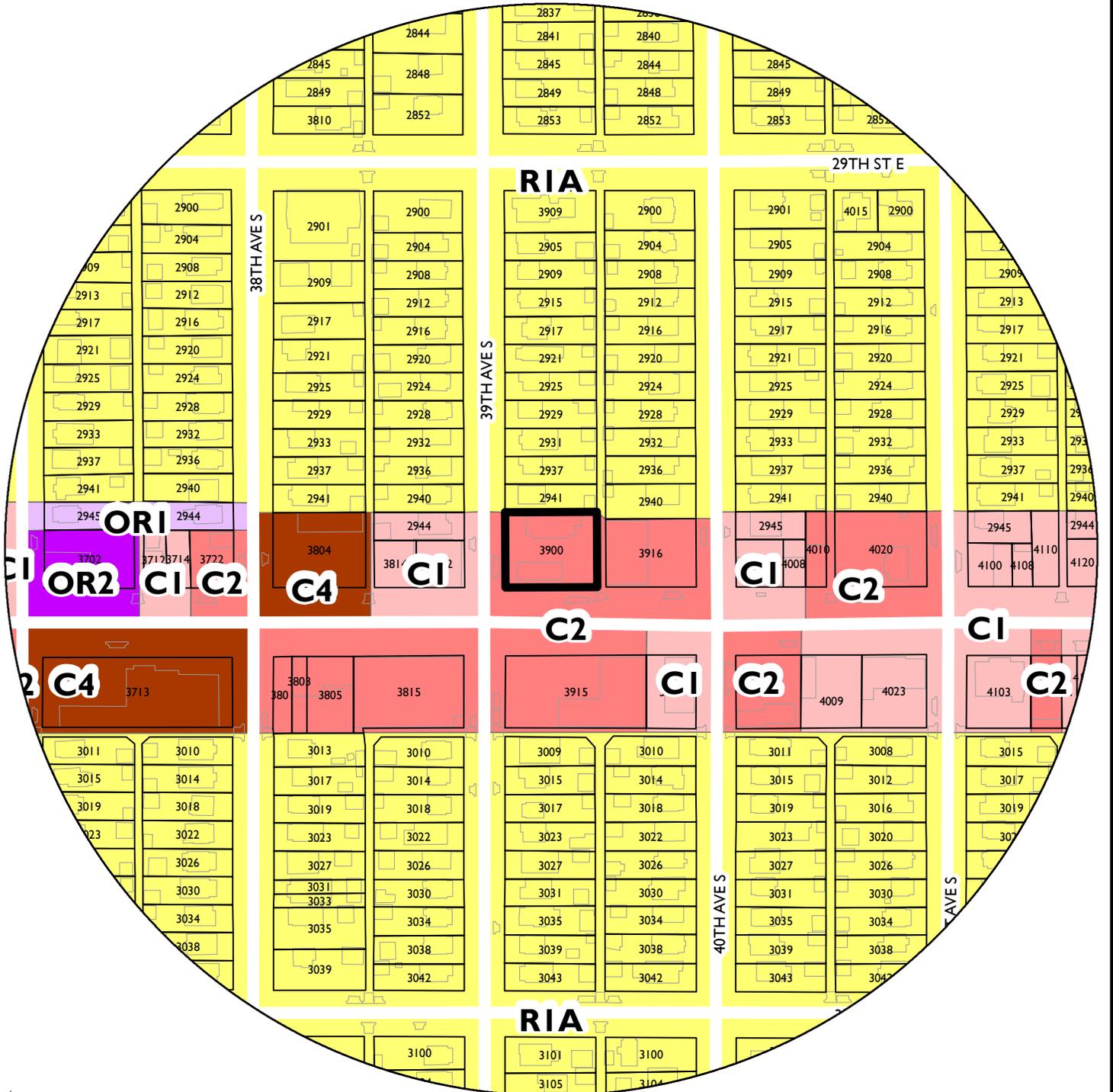
Recommended motion: **Deny** the variance of the landscaping requirements for a parking lot.

ATTACHMENTS

1. Zoning map
2. Written description and findings submitted by applicant
3. Site plan
4. Sign plan
5. Photos
6. Public comments

NAME OF APPLICANT

WARD



PROPERTY ADDRESS
3900 East Lake Street

FILE NUMBER
BZZ-7717



Application for General Land Use Variance at
3900 E Lake Street, Minneapolis, MN 55406
August, 2016



Steve Frias, Owner
855 St. Clair Avenue #1
St. Paul, MN 55105
peppersandfries@gmail.com
651-491-2634

Introduction

My name is Steve Frias, owner of Peppers & Fries, LLC. I respectfully submit this request for a General Land Use variance to erect a pylon style street sign instead of a boulevard sign on the property at 3900 E Lake Street, Minneapolis, and a request for variance to remove two trees lining the parking lot.

The site at 3900 E Lake Street was literally transformed with the opening of Peppers & Fries roughly a year and a half ago. Prior, the site was an abandoned Super America building that sat empty for nearly eight years. The parking lot was deteriorated and half-gone. The site was often occupied by vagrants and the homeless. The building and lot were a blight on the Longfellow neighborhood.

We saw the potential for this location, and with the support of Bank Cherokee, the SBA, Community Planning and Economic Development (CPED), Metropolitan Consortium of Community Developers (MCCD), and the Neighborhood Development Center (NDC) we have invested over \$1.1 million dollars in redeveloping the site to turn it into a vibrant restaurant. We work hard at Peppers & Fries to engage with and support the community we are located in.

Now we are asking for support from the city we have invested in for the following variance requests. These requests are not about vanity or design or promoting our name or brand. These requests are simply about ensuring the business can remain a viable entity and contributor to the community and the Minneapolis tax base. If potential customers can not see us or find us, they will not become actual customers.

The following pages detail and display the reasons for this variance request.

Variance findings category #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.

- The Peppers & Fries Restaurant building has an unusual set back from Lake Street and from the sidewalk (80') compared to most buildings on Lake street and compared to neighboring buildings (5'-8'). This extended setback makes it difficult for customers and potential customers to see the building and the existing wall sign on the building from any direction other than directly in front of the building.
- The Lake Street side of the lot includes several unusual visual obstructions a fence, an MTC bus stop shelter, and shrubs which would prohibit a boulevard sign from being seen by customers and potential customers. The bus shelter is positioned in front of where the previous pylon sign and electric is currently located, and is 10' high x 12'9" wide. Additionally in the warmer months, the trees planted in front of the parking lot become another visual obstruction, that only increase in size year after year.
- With the above considerations, a monument sign would not do justice to the spirit of the need and would be the equivalent of no sign at all.

See the following slides in support of the above bullets.

Unusual Building Setback

Peppers & Fries Building
Setback from Street: ~90'
Setback from Sidewalk: 80'

Parking Lot



Difficult to See Building Driving By Even Within 1 Block



Eastbound
Approaching on
Lake Street from
the West

**Peppers & Fries
(no visual to building)**

Difficult to See Building Driving By Even Within 1 Block



Westbound
Approaching on
Lake Street from
the East

**Peppers & Fries Behind East Lake Liquor
(no visual to building)**

Unusual Visual Obstructions

Location of prior existing sign electric connection from former Super America

Trees

Trees

10'

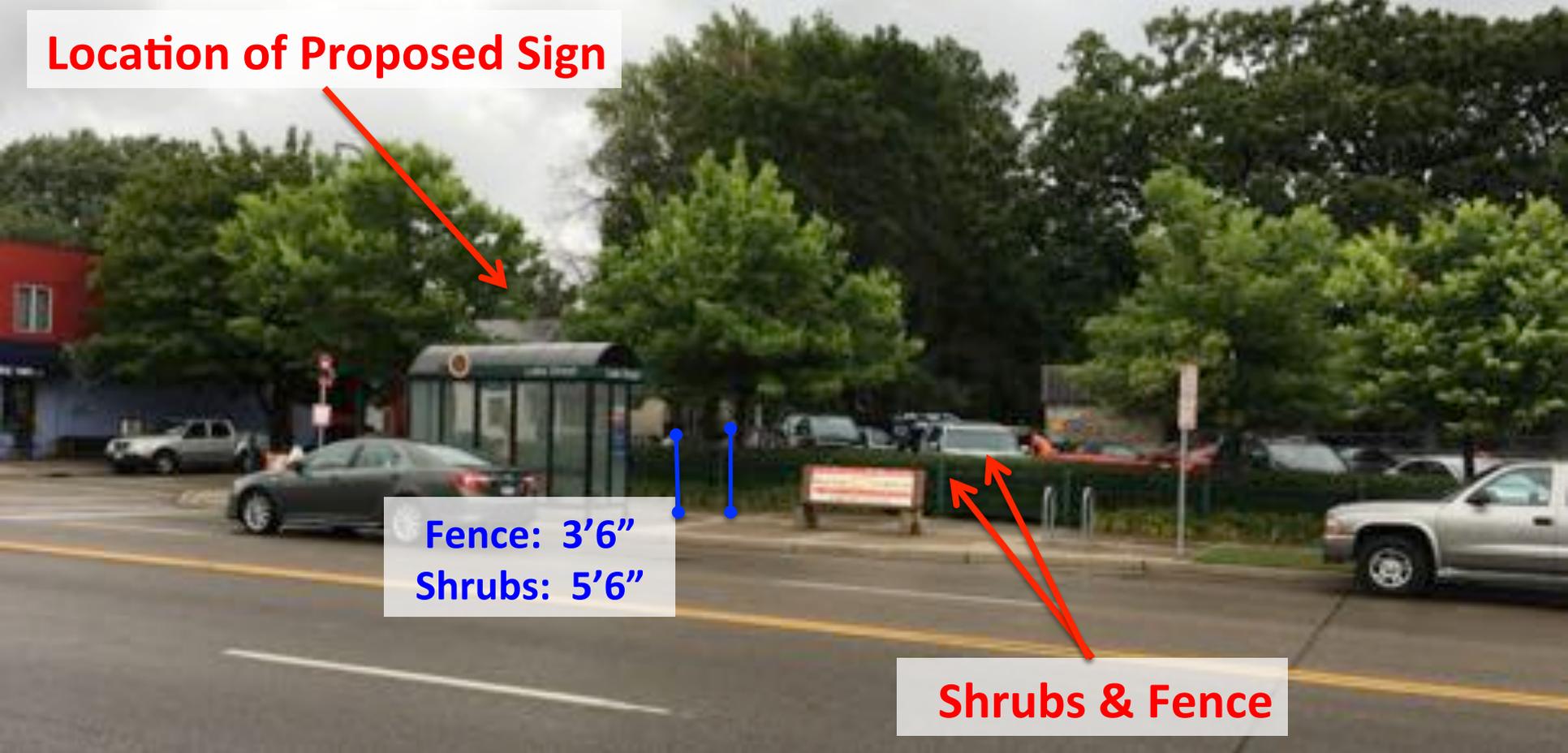
12'9"

MTC Bus Stop Shelter



Unusual Visual Obstructions

Location of Proposed Sign



Fence: 3'6"
Shrubs: 5'6"

Shrubs & Fence

An 8' boulevard sign would not be seen behind the bus stop, fence, shrubs. A 16' pylon sign will stand above the bus stop. Removing the two trees would make it visible.

Variance findings category #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.

- Peppers & Fries' location is zoned C2 – Neighborhood Corridor Commercial District. The restaurant and the use of a pylon sign to draw in customers is in keeping with the spirit and intent of a commercial district. Keeping businesses operational, and contributing to the community and the tax base by helping customers find the business is in keeping with the spirit and intent of a commercial district.
- There is only one other pylon-style sign on the block (East Lake Liquor) and no other signs beyond the current wall sign on the Peppers & Fries property. A pylon sign at Peppers & Fries should not create or add to visual clutter in the area. Additionally, the on-premise sign will not be in the direct line of sight of any of the houses located behind Peppers & Fries.
- The proposed sign will be located in the same spot as the pylon sign that was in place when the building was used as a Super America (up to 2005).
- The lot is a corner lot, the sign will be located on the corner.

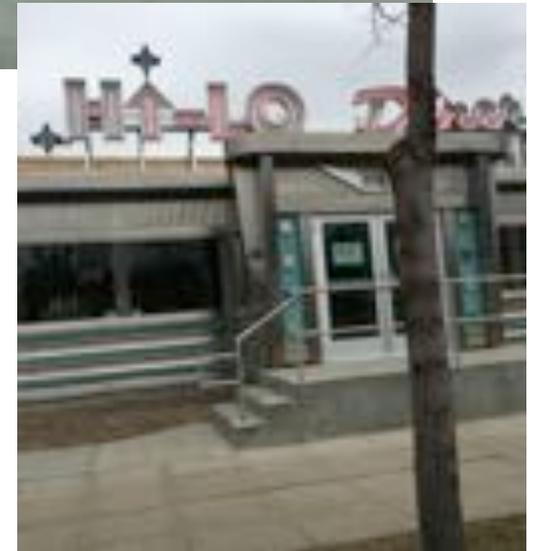
Variance findings category #3:

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.

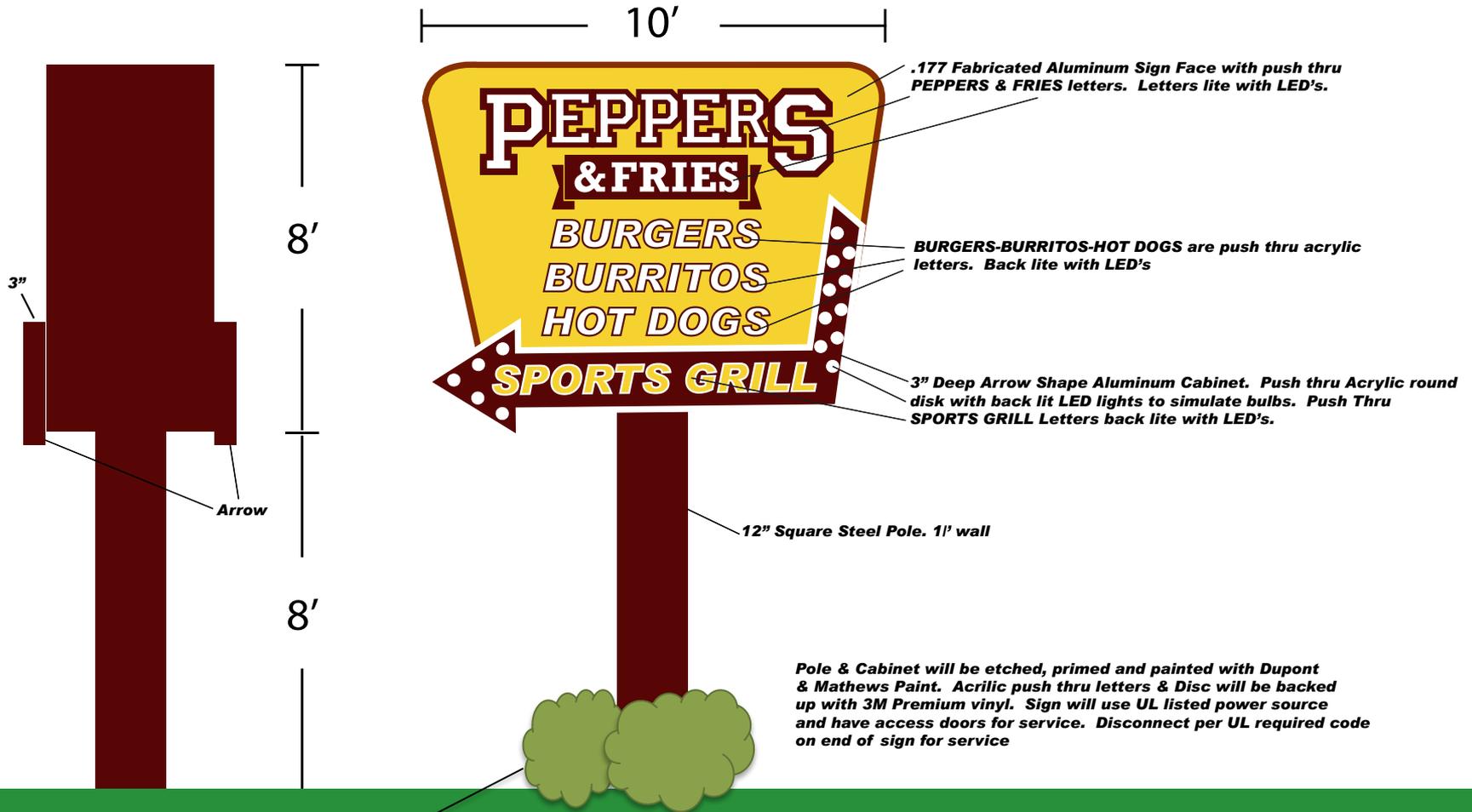
- East Lake Street currently has a very eclectic sign collection; our proposed sign would fit in well with this collection.
- The addition of the proposed free-standing sign is in alignment with the character of East Lake Street.
- The proposed sign would not limit the use or enjoyment of any of the surrounding properties or be detrimental to the health, safety, or welfare of the public patronizing the restaurant or businesses or homes nearby.
- The proposed sign is in keeping with the design of the building, and the design and colors of the current wall sign.

See the following slides in support of the above bullets.

Eclectic Existing Signage on East Lake



Proposed Sign



Pole & Cabinet will be etched, primed and painted with Dupont & Mathews Paint. Acrylic push thru letters & Disc will be backed up with 3M Premium vinyl. Sign will use UL listed power source and have access doors for service. Disconnect per UL required code on end of sign for service

Screening will be miniature lilac shrubs to match the shrubs in the green space next to the fence.

No lighting on the sign will flash or have any changing effect.

Sign variance findings category #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.

- Peppers & Fries' location is zoned C2 – Neighborhood Corridor Commercial District. The restaurant and the use of a pylon sign to draw in customers is in keeping with the spirit and intent of a commercial district.
- There is only one other pylon-style sign on the block (East Lake Liquor) and no other signs beyond the current wall sign on the Peppers & Fries property. A pylon sign at Peppers & Fries should not create or add to visual clutter in the area. Additionally, the on-premise sign will not be in the direct line of sight of any of the houses located behind Peppers & Fries.
- The proposed sign will be located in the same spot as the pylon sign that was previously approved and in place when the building was used as a Super America (up to 2005).
- The proposed sign is in keeping with the design of the building, and the design and colors of the current wall sign.

Sign variance findings category #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 proposed sign's colors mirror the colors on the wall sign at Peppers & Fries.
- The overarching design is meant to reflect and blend in with the eclectic signs already found on East Lake Street, and matches the overall sports theme of the restaurant.
- The proposed sign is in keeping with the design of the building and the theme of the restaurant. We have purposely chosen the words "Sports Grill" instead of "Sports Bar" as we believe this verbiage is more reflective of the neighborhood we are located in.

See the following slide in support of the above bullets.

Existing Wall Signage at Peppers & Fries



Variance findings category #1, specific to Parking and loading landscaping and screening: 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.

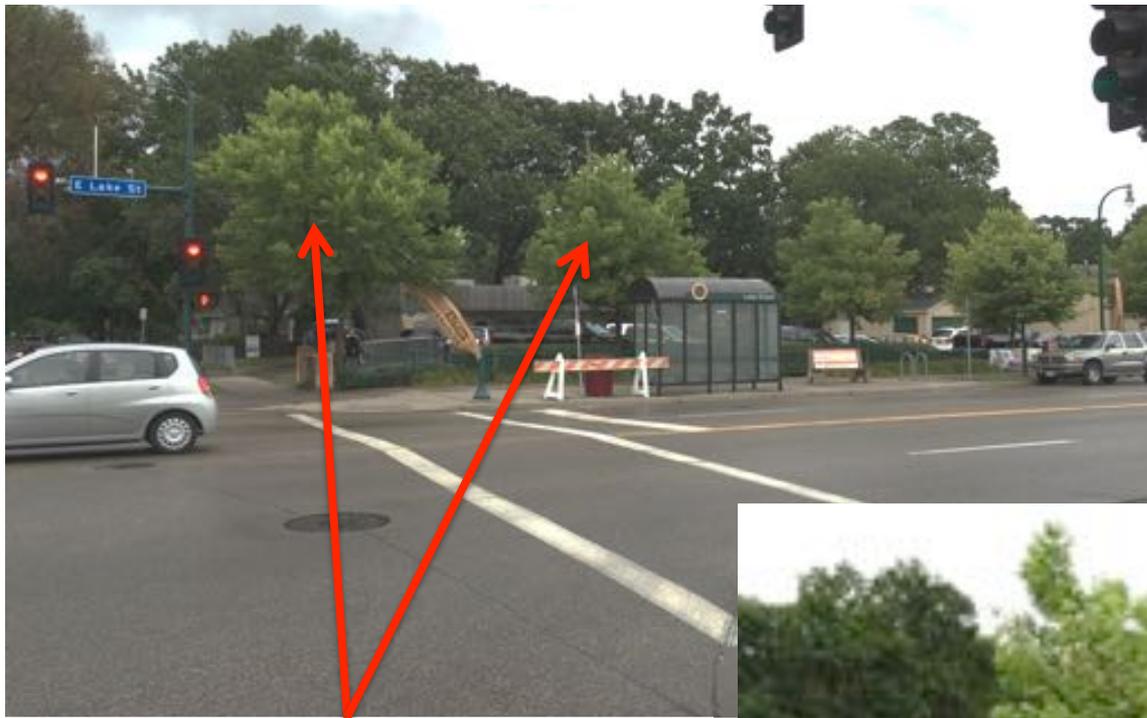
- The Peppers & Fries Restaurant building has an unusual set back from Lake Street and from the sidewalk (80') compared to most buildings on Lake street and compared to neighboring buildings (5'-8'). This extended setback makes it difficult for customers and potential customers to see the building and the existing wall sign on the building from any direction other than directly in front of the building.
- The Lake Street side of the lot includes several unusual visual obstructions a fence, an MTC bus stop shelter, and shrubs which would prohibit a boulevard sign from being seen by customers and potential customers. The bus shelter is positioned in front of where the previous pylon sign and electric is currently located, and is 10' high x 12'9" wide. Additionally in the warmer months, the trees planted in front of the parking lot become another visual obstruction, that only increase in size year after year.

See the following slides in support of the above bullets.



**Proposed Trees to be
Removed**





**Proposed Trees to be
Removed**



Variance findings category #2, specific to Parking and loading landscaping and screening:
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.

- Peppers & Fries' location is zoned C2 – Neighborhood Corridor Commercial District. The restaurant and the use of a pylon sign to draw in customers is in keeping with the spirit and intent of a commercial district. Keeping businesses operational, and contributing to the community and the tax base by helping customers find the business is in keeping with the spirit and intent of a commercial district.
- The Minneapolis Forestry department (Jeff Bean) after learning of our request, indicated he has no problem with the removal of the two trees. He has given Peppers & Fries verbal approval to remove the two trees noted on the two prior pages, once the variance is approved.
- Peppers & Fries proposes planting a new tree on the west side of the lot, and a new tree on the east side of the lot, next to the alley, to keep in the spirit and intent of the ordinance and maintain the level of greenery and trees on the site. The same species of trees or other tree species recommended by Forestry would be chosen.
- The ordinance indicates that “Not less than one (1) tree shall be provided for each twenty-five (25) linear feet or fraction thereof of parking or loading area lot frontage.” The ordinance does not specify that the tree count must be evenly spaced across the frontage. By replacing the two trees with two new trees in other spots, we are keeping with the spirit and intent of the ordinance and comprehensive plan.

Variance findings category #3, specific to Parking and loading landscaping and screening:
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.

- In addition to the “one tree per 25 feet of parking lot” the site also has two trees embedded in the sidewalk on the eastern side of the site, essentially two trees over the guideline.
- Peppers & Fries proposes planting a new tree on the west side of the lot, and a new tree on the east side of the lot, next to the alley, to keep in the spirit and intent of the ordinance and maintain the level of greenery and trees on the site. The same species of trees or other tree species recommended by Forestry would be chosen.
- By replacing the two trees to be removed, Peppers & Fries ensures that there will be no detrimental impact to the health or welfare of the general public or those utilizing the property or nearby properties.

LONGFELLOW

COMMUNITY COUNCIL

May 3rd, 2016

Janelle Widmeier
Community Planning and Economic Development
Development Services Division
250 South 4th Street, Room 300
Minneapolis, MN 55415

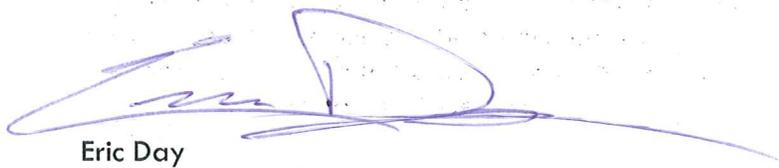
Re: Peppers and Fries

I am writing on behalf of the Longfellow Community Council (LCC) to express our support for Peppers and Fries application for a sign variance. Steve Fries, the owner of Peppers and Fries, attended our Neighborhood Development Committee meeting on April 5th to present information and renderings regarding the proposed variance that will increase the maximum allowable height for signage. Peppers and Fries are currently zoned for an 8' monument sign. Their proposed pylon sign would stand 24' tall and be 8' feet wide. The NDTA acknowledged the visibility issues that Peppers and Fries face with an 80' setback from the sidewalk and the multiple visual obstructions. The committee also acknowledged Steve's investment into a blighted property and that Peppers and Fries has been a beneficial addition to East Lake Street.

The LCC Board of Directors approved the letter of support at the April 21st board meeting.

Please contact Joe Sturm in the LCC Office with any questions or concerns: joe@longfellow.org and 612-722-4529 (ext. 13).

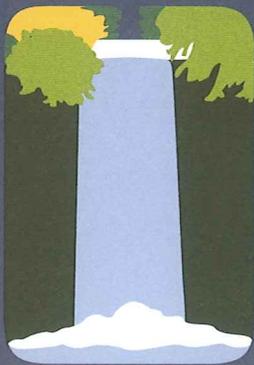
Sincerely,



Eric Day
Board President
Longfellow Community Council

LONGFELLOW · HIAWATHA · COOPER · HOWE

2727 26th Avenue S., Minneapolis, MN 55406 612.722.4529 longfellow.org





April 11, 2016

Janelle Widmeier
Community Planning and Economic Development
Development Services Division
250 South 4th Street, Room 300
Minneapolis, MN 55415-1316

Ms. Widmeier,

We are writing today to support Peppers & Fries application for a sign variance for their restaurant at 3900 E Lake Street.

Owners Steve Frias and Marie Frias have built a family-friendly neighborhood restaurant at a location that was vacant and unmaintained for years. Peppers & Fries' clean and cheerful space and good food at reasonable prices have attracted a steady stream of repeat customers and resident families from the neighborhood and beyond. Their business adds to the revitalization of a commercial corridor once known more for car dealerships than burgers and burritos, and their innovative renovation won a Merit Award in 2014 from the American Institute of Architects Minneapolis chapter.

Because their footprint is deeper into the lot that most businesses facing E Lake, it can be easy to drive right by Peppers & Fries without seeing the amenities that make it such a great destination – the abundant outdoor seating and the garage doors that open up to the outside in warm weather. We'd like more people to be able to see the Peppers & Fries signage from the street.

The Longfellow Business Association's mission is to monitor issues that impact area businesses and to support the greater Longfellow community. We currently have over 100 members. Our members support Peppers & Fries application for a sign variance.

Please contact me with any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristi Adams', is written above the printed name.

Kristi Adams
Co-chair

March 24, 2016

City of Minneapolis Zoning Administration
 Public Service Center Building
 250 S. 4th St., Room 300
 Minneapolis, MN 55415

Zoning Administration,

The Lake Street Council is in support of the Peppers & Fries request for a sign variance.

The proposed signage fits within the existing conditions on Lake Street. It is needed because of limited visibility due to the building's setback and visual obstructions.

Peppers & Fries has been a wonderful addition to the neighborhood, and we trust their judgement on sign design and placement.

Sincerely,

Allison Sharkey

Allison Sharkey

Executive Director

LAKE STREET COUNCIL 2015 BOARD

EXECUTIVE COMMITTEE

President
 Candice Washington
Allina Health

Vice President
 Ruhel Islam
Gandhi Mahal

Treasurer
 Jackie Knight
Ackerberg Group

Past President
 Dave Burrill
Ryan Companies

AREA DIRECTORS

Midtown
 Julie Ingebretsen
Ingebretsen's

Lyndale
 Dipankar Mukherjee
Pangea World Theater

Uptown
 Alicia Garatoni
Keller Williams Realty

Longfellow
 Lorraine Frias
Peppers & Fries

DIRECTORS AT LARGE

Rich Esquivel
Sunrise Banks

Joe Gilpin
Wells Fargo

Morgan Zehner
Zehner Consulting

Fernando Cortez
BMO Harris Bank

Sade Hashi
Safari Restaurant

Becky George
Midtown Global Market

Corrie Jennissen
Goodwill / Easter Seals

Jeanne Montrese
Circle of Discipline

Ellen Cleary
YWCA of Minneapolis

Ashley Feucht
U.S. Bank

Ana Colomba Reyes
Club Cuernavaca
Axochiapan Morelos