



Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

Date: April 20, 2006

To: Council Member Gary Schiff, Chair, Zoning and Planning Committee
Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Appeal of the Board of Adjustment action denying variances for property located at 1300 Lagoon Avenue (BZZ-2836).

Recommendation: The Board of Adjustment adopted the staff recommendation and denied the following three variances: a variance to increase the maximum allowable area of all signs on the building along Lagoon Avenue from 125 square feet to 299 ½ square feet, a variance to increase the maximum allowable area of all signs on the building along Fremont Avenue from 75 square feet to 164 ½ square feet, and a variance to increase the maximum permitted height of signage from 24 to 30 feet above grade, to allow the installation of two 48 square foot internally lit wall signs for property located at 1300 Lagoon Avenue in the C2 Neighborhood Corridor Commercial District.

Previous Directives: N/A

Prepared or Submitted by: Molly McCartney, City Planner, 612-673-5811

Approved by: Jack Byers, Planning Supervisor, 612-673-2634

Presenters in Committee: Molly McCartney, City Planner

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
- Other financial impact (Explain): _____
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

Ward: 10

Neighborhood Notification: Lowry Hill East was notified of this application by letter, mailed on February 10, 2006

City Goals: See staff report.

Comprehensive Plan: See staff report.

Zoning Code: See staff report.

Living Wage/Job Linkage: Not applicable.

End of 60/120-day Decision Period: On April 7, 2006, the applicant provided a letter extending the decision period to no later than June 12, 2006.

Other: Not applicable.

Background/Supporting Information Attached: Karl Bowman, on behalf of Financial Freedom Realty, applied for the above mentioned variances to allow for second story signs at 1300 Lagoon Avenue. The Zoning Board of Adjustment voted 4-3 to deny the variances on March 16 2006. The applicant filed an appeal on March 27, 2006.

Statement of Appeal

I, Karl Bowman of Sign A Rama Minneapolis, representing Financial Freedom Real Estate respectfully appeal the decision of the Board of Adjustments to deny the sign variance request for 1300 Lagoon Ave. The result is a growing business in Uptown will not be able to identify itself to its customers the way any other businesses in the area currently enjoys.

The stated reason for the denial of the variance was that 1300 Lagoon Ave. had already exceeded the amount of signs allowed for in the Minneapolis sign code.

It is our position that strict adherence to the sign code causes an undue hardship on Financial Freedom Real Estate. A business in Minneapolis should have a sign to identify itself. Had they been on the ground floor they would have been guaranteed signs regardless of the building being "over budget" on sign allocation. The Minneapolis Sign Code does not adequately provide for 2nd floor businesses, of which Financial Freedom is one.

The signs being proposed by Financial Freedom actually reduce the total number of signs and the total square footage of signs on the building compared with what was previously on the building with the 2nd floor tenants.

The current signs on the building do not appear to make it look cluttered, and the proposed signs will give the building a cleaner look than the previous signs belonging to the 2nd floor tenants.

Please note that the East Lowry Neighborhood Association recommended approval of the variance request and supports the project, and there is no complaints about the current signs on the building or the proposed signs on the building.

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-2836

Date: February 22nd, 2005

Applicant: Financial Freedom Development

Address of Property: 1300 Lagoon Avenue

Contact Person and Phone: Karl Bowman / Signarama / 651-644-4352

Planning Staff and Phone: Robb Clarksen 612-673-5877

Date Application Deemed Complete: February 10, 2006

End of 60 Day Decision Period: April 10, 2006

Appeal Period Expiration: March 27, 2006

Ward: 10 **Neighborhood Organization:** Lowry Hill East

Existing Zoning: C2 Neighborhood Corridor Commercial District

Proposed Use: Add one 48 square foot wall sign to each elevation of the building (both the Lagoon Avenue and Fremont Avenue facades) for a total of two new signs comprising a total of 96 additional square feet on the building.

Proposed Variance: A variance to increase the maximum allowable area of all signs on the Lagoon Avenue elevation from 125 square feet to 299 1/2 square feet, a variance to increase the maximum allowable area of all signs on the Fremont Avenue elevation from 75 square feet to 164 1/2 square feet, and a variance to increase the maximum permitted height of signage from 24 feet to 30 feet above grade.

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

Background: Karl Bowman of Signarama, on behalf of Financial Freedom, is proposing the installation of two wall signs at the subject property address, 1300 Lagoon Avenue. The site is zoned C2 Neighborhood Corridor Commercial District. The zoning code imposes an overall limit of the total square footage allowed for all wall signage placed on a building. For the subject property, the aforementioned provisions of the code allot a maximum area of 1 square foot per 1 foot of primary building wall due to the existence of a freestanding sign. Bar Abilene has placed a metal pylon sign at the front/center of the Lagoon Avenue elevation of the site. Most of the other signs on the building exhibit a metallic finish and blue paint/design scheme and are located in a band that is just above the windows and awnings for the first floor uses.

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Each primary building wall on the property retains a 1 to 1 sign budget as described above. The allotted budget is 125 square feet along Lagoon Avenue and 75 feet along the smaller Fremont Avenue elevation. The existing signage on the Lagoon Avenue elevation sums 251 1/2 square feet, which is currently in excess of the allowable budget. The existing signage on the Fremont Avenue elevation sums 116 1/2 square feet, and is also in excess of the allotted budget. The applicant is proposing an additional 48 square foot wall sign for each elevation, a total of 96 square feet of additional signage on the building. Furthermore, the applicant requests a variance to the height requirement for signs in the C2 district from 24 to 30 feet from grade.

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.**

On the Lagoon Avenue frontage, the existing building signage already exceeds the allowable budget by 126 1/2 square feet and the applicant proposes an additional 48 square feet. On the Fremont Avenue elevation, the sign budget has been exceeded already in a similar fashion, with 116 1/2 square feet of signage where 75 square feet is permissible. In the past, staff has asked applicants to remove other signs for their businesses in order to move toward achieving compliance. In this case, the applicant does not have any existing signage on the wall which could be removed to move in the direction of compliance with the maximum area requirements of the zoning code. As the applicant cannot remove other signs to achieve conformance, staff can find no condition that could be construed as a hardship. Staff does not believe the request to add additional signage to a building that is in excess of the sign budget is reasonable. Staff also believes the variance to increase maximum height may not be a reasonable request if there could be other locations for the same signage if other signs could be removed.

- 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 site is flat and rectangular and the building is up to the property line. The site has adequate visibility from the surrounding streets from at least the north, south and west elevations. The most important circumstance to consider with this variance application is the amount of signage on the wall. Staff concluded the conditions affecting the situation are generally applicable to other properties in the city, and that there are no unique characteristics or circumstances of this property that merit granting the variance as proposed.

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- 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 intent of the ordinance is to allow effective signage appropriate to the character of each zoning district, to promote an attractive environment by limiting visual clutter and confusion, and to minimize effects on nearby properties. The building signage already exceeds the allowed maximum. In past situations, staff has considered applications to replace existing signs with proposed signs in attempt to reduce existing clutter or permit higher quality signage on the building. Staff believes there may be other plausible options for signage which the applicant has yet to exhaust.

- 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 variances would have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety.

Additional Findings Required by the Minneapolis Zoning Code related to sign variance requests:

- 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.**

As discussed in the text above, the buildings existing signage exceeds the budget authorized in the zoning code for both the Lagoon and Fremont Avenue primary building wall. Staff is concerned that granting the variance will further clutter the building with signs. Staff also considered whether the proposed signage conflicts with the location of other signage on the building such that the proposed signage results in further clutter.

- 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 sign will be professionally constructed and installed, and is on an individual basis an attractive sign. However staff is concerned that the proposed signage may break from the general location of signs above the first floor entries. Staff does not believe the proposed signage is of such exceptional design or style that granting the variance could enhance the area.

Recommendation of the Department of Community Planning and Economic Development:

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 allowable area of all signs on the building along Lagoon Avenue from 125 square feet to 299 1/2 square

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feet, and to **deny** a variance to increase the maximum allowable area of all signs on the building along Fremont Avenue from 75 square feet to 164 1/2 square feet, and to **deny** a variance to increase the maximum permitted height of signage from 24 feet to 30 feet above grade, to allow the installation of two 48 square foot internally lit wall signs for property located at 1300 Lagoon Avenue in the C2 Neighborhood Corridor Commercial District.

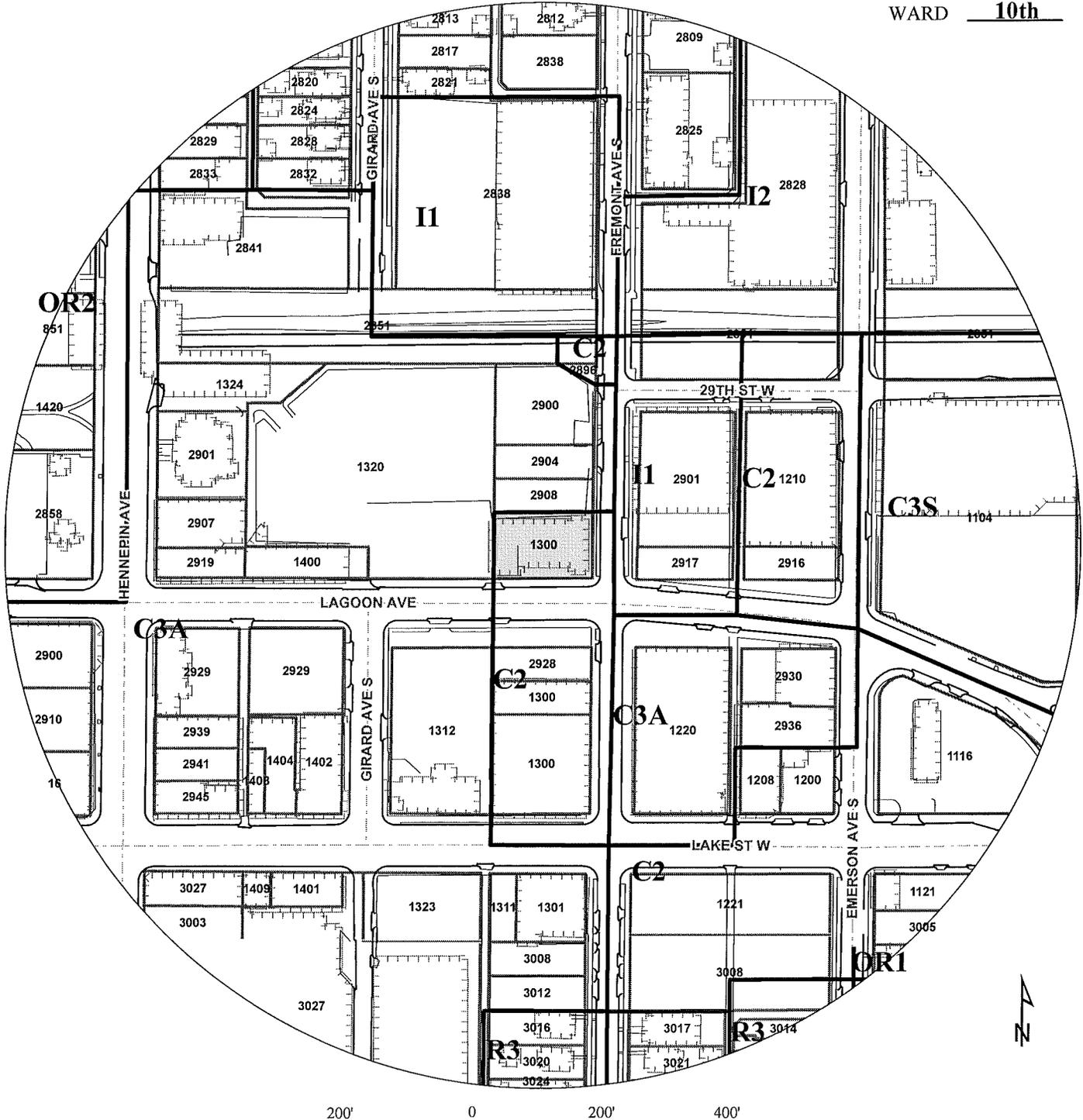
Karl Bowman on behalf of Financial Freedom Realty

Name of Applicant

APPLICATION _____ 2006
 BD. OF ADJUST _____ 2006
 ZONING MAP CHANGE _____ 2006

CITY PLANNING _____ 2006
 CITY COUNCIL _____ 2006

INITIAL _____
 WARD 10th



PETITION FOR AMENDMENT		APPEAL FOR VARIATION	BOARD ACTION
PRESENT ZONING	PROPOSED ZONING		

PROPERTY ADDRESS
1300 Lagoon Avenue

FILE NUMBER
BZZ- 2836

Statement of Purpose Financial Freedom Realty

Freedom Financial Realty proposes to mount 2 signs to the exterior of the 1300 Lagoon Ave. building. These signs will be 6' x 8' internally illuminated signs constructed of aluminum with the graphics to be routed through the aluminum with clear acrylic pushing through the routed opening for effect. The signs will be mounted on the middle portion of the tenants lease space between the brick towers on Lagoon Ave. and Fremont Ave. directly above the space occupied by Bar Abilene. The proposed sign meets all the code requirements for a C2 district, however the tenants in the building currently have taken all the allotted signs for the building and the tenant occupies the second floor. Tenants on the second floor of a commercial building are not guaranteed signs like ground floor entry tenants are guaranteed signs. Thus we are requesting a variance to the code to allow the building to exceed the maximum square footage allowed based on its primary building walls.

Variance

1. Businesses leasing space in Uptown are looking for exposure. They get it and pay for it in their rental rates. Financial Freedom seeks to identify its offices with tastefully done signs. All the tenants in the building have very visible signs. The former tenants who occupied the top floors in recent years had large visible signs. The current code states that only ground floor businesses are guaranteed signs and that businesses without a ground floor entrances may have signs, provided the other tenants have not “maxed out” the available signs on the building. If Financial Freedom had a ground floor entrance they would be allowed signs on both sides of the building. Based on the code not allowing signs for the second story tenant, strict adherence to the code would not permit Financial Freedom Realty to identify themselves in anyway. This would most definitely cause an undue hardship. Recent sign variance applications were granted recognizing the greater need for signs on commercial buildings with second stories.
2. The circumstances are unique to this parcel of land. The tenant has signed a long-term lease for their growing real estate business.
3. In the past the City has recognized the greater need for signs on buildings with second floor commercial space than allowed by the current code. The granting of a variance in this case will be keeping with the spirit and intent of the sign ordinance since Financial Freedom would be allowed signs if

they had a ground floor entry. The net effect on the building will be sign neutral as what we are proposing is less than what was recently on the upper part of the building when it was leased. Uptown is a “sign rich” environment and the tastefully proposed signs will add to the commercial and entertainment feel of the area

4. The proposed variance will not effect congestion of the streets nor increase the danger of fire or endanger public safety. The proposed signs are on the building and are blocking not any sight lines or public right of ways.

1. Uptown is one of Minneapolis’ premier commercial and entertainment areas. Some of the most creative signs are here which enhance the area. The proposed signs keep in line with this tradition of creative and tastefully done signs. The sign will not be inconsistent with the zoning district as it meets all the requirements except that it does not have a ground floor entry and there exists too much square footage on the building to add more signs. The signs will not lead to sign clutter. The building will feel more balanced by bringing the 2nd floor signs to the middle and off the towers where the previous 2nd floor tenants had their signs.
2. The sign is of exceptional design and is in keeping with the metal siding on the building and its more modern feel.

Main Identity

From: "Karl Bowman" <karl@signminds.com>
To: <Ralph.Remington@ci.minneapolis.mn.us>
Sent: Monday, January 16, 2006 5:26 PM
Attach: financial_freedom.pdf; FFR Variance.doc
Subject: Sign Variance 1300 Lagoon

Dear Mr. Remington:

Financial Freedom Realty, who is expanding their business in your ward, is moving their office from its current locaiton on Lake St. to the 1300 Lagoon location owned and managed by The Ackerberg Group. The building is currently maxed out for signs. Thus we are seeking a variance to the sign code to allow Financial Freedom Realty to place tastefully done signs on the building. Attached is the variance proposal and arguments for the variance. We would welcome your support in this project.

Sign A Rama
Phone: (612) 333-7606
Fax: (651) 644-5325
1050 33rd Ave. SE
Minneapolis, MN 55414
<http://www.signminds.com>

Main Identity

From: "Karl Bowman" <karl@signminds.com>
To: <lhena@thewedge.org>
Sent: Monday, January 16, 2006 5:39 PM
Attach: FFR Variance.doc; financial_freedom.pdf
Subject: Sign Variance

Dear East Lowry Hill East Neighborhood Organization:

Financial Freedom Realty, who is expanding their business in your neighborhood, is moving their office from its current locaiton on Lake St. to the 1300 Lagoon location owned and managed by The Ackerberg Group. The building is currently maxed out for signs. Thus we are seeking a variance to the sign code to allow Financial Freedom Realty to place tastefully done signs on the building. Attached is the variance proposal and arguments for the variance. We would welcome your support in this project.

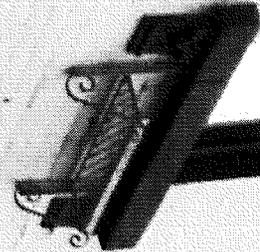
Please let me know if there is someone else I should inform in your neighborhood.

Sincerely,

Karl Bowman
President
Sign A Rama
Phone: (612) 333-7606
Fax: (651) 644-5325
1050 33rd Ave. SE
Minneapolis, MN 55414
<http://www.signminds.com>

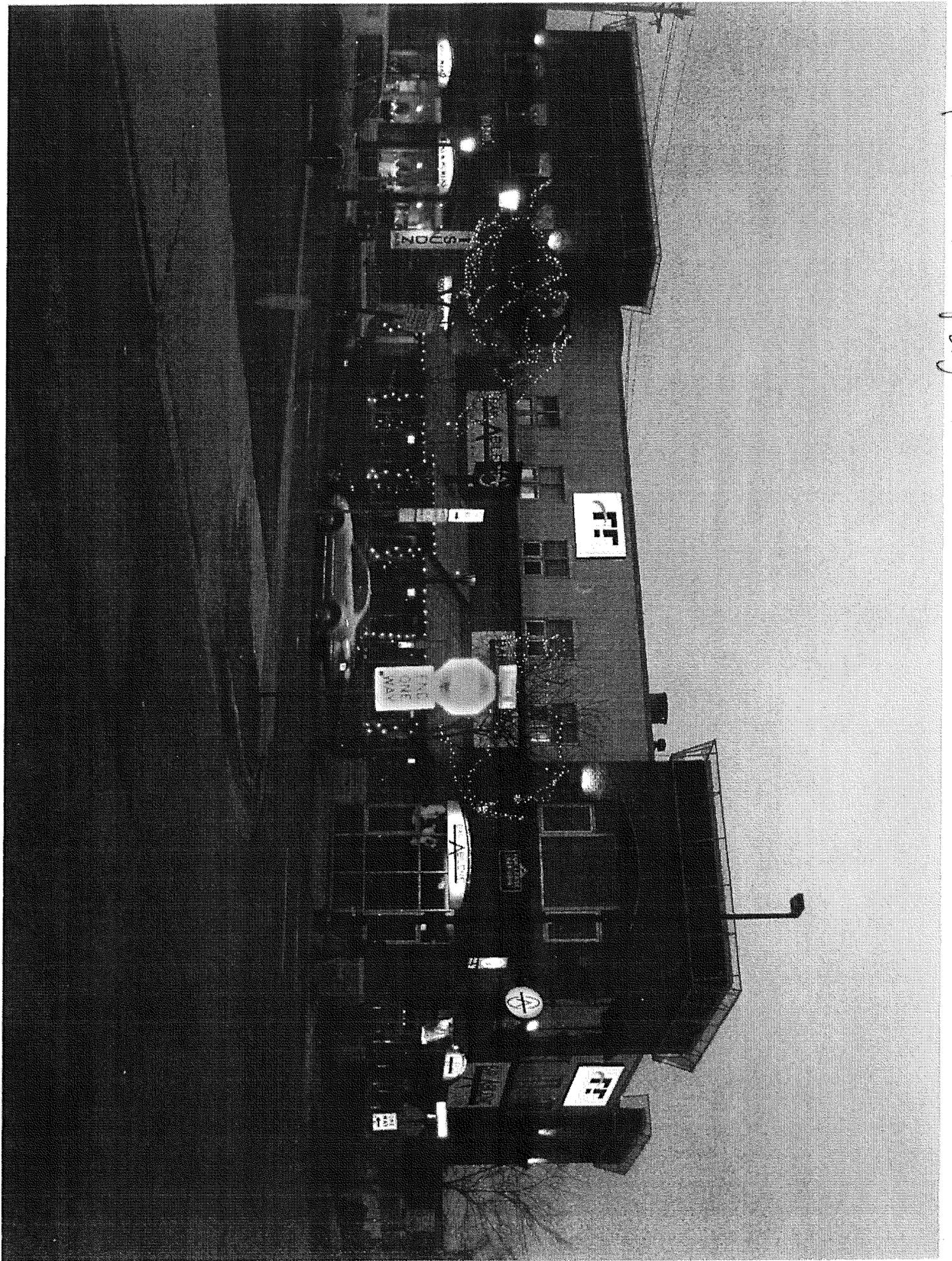


FINANCIAL FREEDOM
REALTY SERVICES



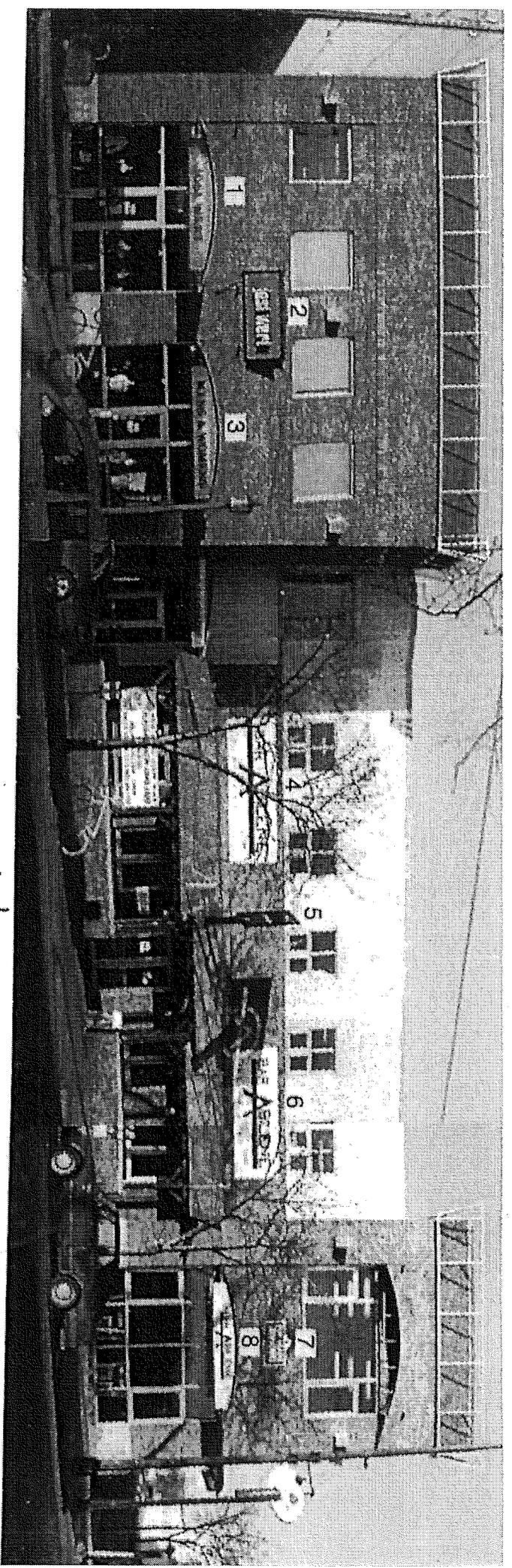
EXAMPLE OF
STYLE OF SIGNS



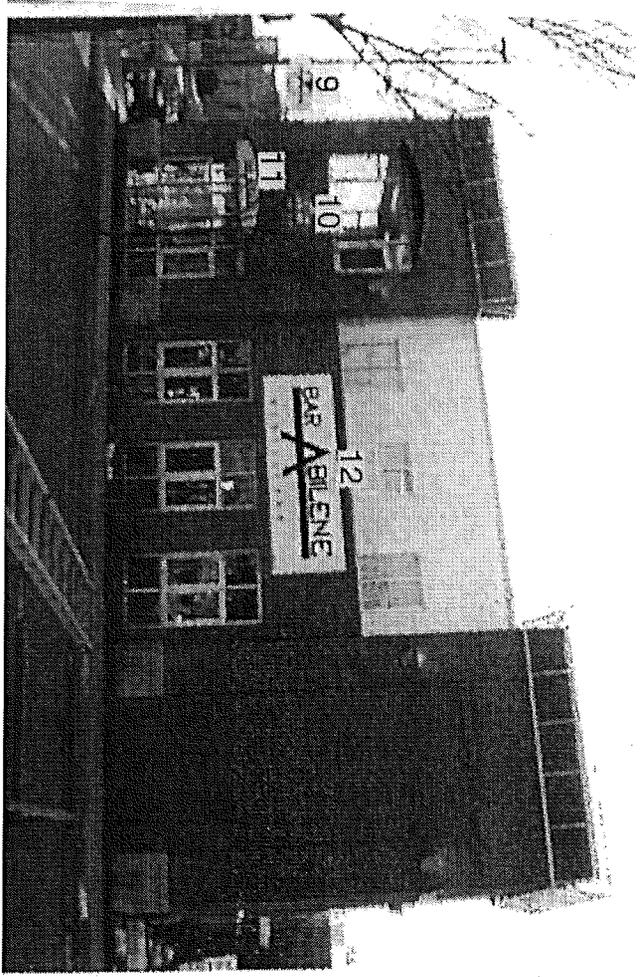


Proposed location of signs

Existing signs at Subject site.
NORTH ELEVATION



WEST ELEVATION



Existing free standing sign on site



EXISTING signs in subject BTH



Existing signs on subject site



3/16/06

Page 1 of 1

BOA

#1

Clarksen, Robert D

From: LHENA [lhena@thewedge.org]
Sent: Thursday, March 16, 2006 11:51 AM
To: Clarksen, Robert D
Cc: Remington, Ralph S.; karl@signminds.com; sonja@haydentrebnick.com
Subject: BZZ-2836: LHENA Letter Re: 1300 Lagoon Sign Variance

Hello Robert,

I have attached a letter stating LHENA's position on the proposed sign variance for 1300 Lagoon Avenue. Please include this with the materials presented to the Board of Adjustment.

Thank you,
Caroline Griepentrog

Lowry Hill East Neighborhood Association
1200 W. 26th Street
Minneapolis, MN 55405
Phone: 612-377-5023
Fax: 612-377-5467
lhena@thewedge.org

Lowry Hill East Neighborhood Association

3/16/06 #1
BOA

March 16, 2006

Robert Clarksen
City Planner
350 South 5th Street
Minneapolis, MN 55415

Re: BZZ-2836 – 1300 Lagoon Sign Variance Request

Dear Mr. Clarksen,

At the Wednesday, February 8, 2006 meeting of the Lowry Hill East Neighborhood Association (LHENA) Zoning and Planning Committee, Karl Bowman, on behalf of Financial Freedom Realty (FFR), presented plans for proposed additional signage on the property located at 1300 Lagoon Avenue. FFR has applied for a variance to increase the maximum allotted area of wall mounted signage where a freestanding sign exists from 125 feet to 299 ½ square feet along Lagoon Avenue, to increase the maximum allotted area of wall mounted signage where a freestanding sign exists from 75 square feet to 164 ½ square feet along Fremont Avenue, and to increase the maximum permitted height of signage allowed from 24 to 30 feet, all to allow for the installation of two 48 square foot internally illuminated signs. Each sign would be 6 feet by 8 feet in size. The materials for the proposed signage would be brushed aluminum with illuminated, pushed-out acrylic lettering.

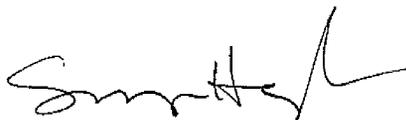
Currently, all allowable signage on the building is used by the first floor tenants. FFR maintains that the Minneapolis sign code does not adequately support signage for second floor businesses. They also noted that previous tenants of the space had signage on the exterior of the second floor which was more intense and “cluttered” than the proposed signage.

Mr. Bowman returned to the Wednesday, March 15, 2006 meeting of the LHENA Board with additional materials requested by the LHENA Zoning and Planning Committee, including photographs of signage from the previous tenants. The LHENA Board voted to **support** the variance request, citing:

- Quality of signage
- Business location on the second floor
- Hardship due to building layout
- Reduction in signage from previous second floor tenants

If you have any questions or concerns, please contact the LHENA office at 612.377.5023.

Sincerely,



Sonja Hayden
LHENA Board President

Cc: Ralph Remington
Karl Bowman

Lowry Hill East Neighborhood Association