

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-2895

Date: March 22, 2006

Applicant: Ameriprise Financial

Address of Property: 901 3rd Avenue South (Client Service Center Building) 2702924140083

Contact Person and Phone: Tom Sopoci / RSP Architects / 612-677-7100

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

Date Application Deemed Complete: March 14, 2006

End of 60 Day Decision Period: May 7, 2006

Appeal Period Expiration: April 17, 2006

Ward: 7 **Neighborhood Organization:** Downtown Minneapolis Neighborhood Association

Existing Zoning: B42 Downtown Commercial District

Proposed Use: Add two freestanding pole mounted signs in an existing enclosed outdoor courtyard area near the northeast corner of the site.

Proposed Variance: A variance to increase the maximum height of freestanding pole mounted signs from 8 feet to 14 feet; a variance to allow the installation of two freestanding pole mounted signs; and a variance to increase the maximum allowed area of freestanding signs from 32 to 40 square feet in the B42 Downtown Commercial zoning district.

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

Background: Tom Sopoci of RSP Architects, on behalf of Ameriprise Financial, is requesting variances to several provisions of the sign ordinance to permit the installation of two new freestanding signs at the subject property. The applicant, Ameriprise Financial, recently spun off of American Express. This building, known as the Client Service Center (CSC), located at 901 Third Avenue South, is now part of Ameriprise Financial. Ameriprise proposes to place two pole mounted banner signs in the garden area of this property, which is used primarily by employees. The proposed signs would consist of 14'-0" high poles having four banners that are each approximately 24" x 60" in size.

Findings Required by the Minneapolis Zoning Code:

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- 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.**

As proposed, the signage exceeds the maximum height allowed for freestanding signs, the maximum area of such signs, and the maximum number of signs permitted in the B42 district.

1) Maximum height

The subject property is a 10 story office building that covers approximately 75 percent of the lot. The zoning code authorizes freestanding signage based on a budget of 1 square foot of signage per lineal foot of frontage along a public street or pathway. The subject property consists of a zoning lot with approximately 300 feet of frontage on each of the four block faces. The signs are proposed 14 feet in height and are for the most part obscured behind a 12 foot masonry wall surrounding the courtyard where the signs are proposed, mitigating the effects of the height issue the code is intended to address. Also, these two signs will be the only signage on site upon completion. Strict adherence to the ordinance would cause undue hardship by prohibiting the applicant from constructing a reasonable sign package for the given circumstances of this particular application.

2) Maximum number of signs

The subject property is a 10 story office building that covers approximately 75 percent of the lot. The lot consists of a full block in the southern half of the core of the downtown area. The site is flat and rectangular and the building is up to the property line over most of three sides, with the exception of the courtyard area where the proposed signage is to be placed. It is reasonable to expect on a property of this size, with this scale of improvements, that more than a single freestanding sign would be permitted.

3) Maximum area of signage

The proposed signage is unique in that it is four banners on a single pole, totaling 40 square feet. Each of the banners on the pole is approximately 2 x 5 feet (10 square feet). The actual copy on the sign, consisting of a box around the logo and text measures approximately 4 square feet. The total area of the text of the 4 faces is 16 square feet, which would normally be allowed by the zoning code. The issue arises from the department policy to calculate the area of freestanding signs based on the cabinet and supports for the sign rather than simply the size of the text. Due to the orientation of the banners on the pole, only two of four are visible at a given time. In this sense, the proposed signage is generally consistent with the intent of the ordinance to keep signage within proper scale of the site improvements.

- 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.**

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Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Staff believes the request is reasonable given the limited visibility of the signage from either of the adjacent streets. The unique circumstance of this application is that the signs have been proposed behind a 12-15 foot wall surrounding the site, limiting any adverse effects of the proposed signs. The applicant could have proposed a single freestanding monument sign that met size and area requirements, but this would break from the scheme of signs on the corporate campus.

In this example, hardship is constituted by the literal interpretation of the code preventing the applicant from constructing signage that has limited visibility to the general casual observer of the property. In light of the circumstances involved, staff believes this application may be unique enough that strict adherence to the regulations of this ordinance could cause unnecessary hardship.

- 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 that is appropriate to the character of each zoning district that enhances the attractiveness of the environment and limits visual clutter. Staff believes the proposed signs maintain the essential character of this section of the Downtown area. Similar signage is typical of large buildings like the subject property. The ordinance also is crafted to prevent the ill-advised placement of signage at heights out of context with the building, but the signs in this case are for a courtyard below a 10 story office building.

The proposed signage is unique in that each sign is comprised of four banners on a single pole, totaling 40 square feet. Each of the banners on the pole is approximately 2 x 5 feet (10 square feet). The actual copy on the sign (logo and text) measures approximately 4 square feet, or 16 square feet on the four faces, which would be allowed by the zoning code for this type of sign. CPED-Planning Department relies on a policy to calculate the area of freestanding signs based on the cabinet and supports for the sign rather than simply the size of the text. Due to the construction of the sign, only two of the four banners are visible at a given time. In this sense, the proposed signage is in most respects consistent with the intent of the ordinance to keep signage within proper scale of the site improvements.

- 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.

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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.**

Staff does not believe that the proposed will lead to sign clutter. The scale of the building is large in comparison to the amount of signage being proposed. The applicant intends to simply provide a means of identification for a large downtown building that until recently had no signage. The proposed sign package should not clutter the building as it provides for a consistent theme across the Ameriprise Campus by repeating the same general pattern of signs on the company's other building. The signage proposed is far less than the total amount of signage allowed in the B42 zoning district for a site of this size. Finally, due to the existing wall around the courtyard, only about 25 % of the proposed signage is visible from adjacent streets at grade.

- 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 signage will have little effect on the immediate area as it is intended to provide an identity to the property as seen from the courtyard. Few people will notice the proposed signage from either 3rd Avenue or 9th Street except for a small portion of the signage that would extend the courtyard wall. Additionally, the proposed sign package is consistent with the sign schedule across the Ameriprise corporate campus and may be found to complement the contemporary architectural design of the office building on site.

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 **approve** the variance to increase the maximum height of freestanding pole mounted signs from 8 feet to 14 feet, and to **approve** the variance to allow the installation of two freestanding pole mounted signs, and to **approve** the variance to increase the maximum allowed area of freestanding signs from 32 to 40 square feet for the property at 901 3rd Avenue South in the B42 Downtown Commercial District.