

**Department of Community Planning and Economic Development - Planning Division Report**  
Variance  
BZZ-4489

**Date:** August 27, 2009

**Applicant:** Kenwood Partners, LLC et al

**Address of Property:** 1010 Lake Street West

**Project Name:** CVS Signage

**Contact Person:** Doug Merritt, (574) 257-2954

**Planning Staff:** Jacob Steen, (612) 673-2264

**Date Application Deemed Complete:** July 10, 2009

**End of 60-Day Decision Period:** September 8, 2009

**Ward:** 10      **Neighborhood Organization:** Lowry Hill East Neighborhood Association, adjacent to Calhoun Area Residents Action Group

**Existing Zoning:** C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District

**Zoning Plate Number:** 24

**Legal Description:** Not applicable

**Proposed Use:** A new wall sign

**Variance:** To locate a proposed wall sign on non-primary building wall

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

**Background:** The subject property is approximately 128 ft. by 270 ft. (33,824 sq. ft.) with an existing 270 ft. by 60 ft. multi tenant retail structure. The proposed use is a CVS Pharmacy as well as two retail tenant spaces. The property is a corner lot which fronts on both Dupont Avenue South and Lake Street West.

The applicants have submitted a sign package including a 76 sq. ft non-illuminated freestanding sign at the intersection of Lake and Dupont, nine internally illuminated wall signs on the west elevation, one internally illuminated wall sign and one internally illuminated projecting sign on the south elevation. The applicant is proposing to erect a new wall sign on a non-primary building wall along the east elevation. The proposed wall sign is approximately 12 above grade and 45 square feet in area. Wall signs may only be placed on a primary building wall, which is defined as:

*Primary building wall.* An exterior building wall that faces a street or that faces an accessory parking area and contains a public entrance. When the exterior building walls are not parallel to a street, they shall be assigned to the street frontage to which they are most oriented.

The east elevation does not face a public street or an accessory parking area with a public entrance; therefore the proposed sign location is not permitted. The applicant has requested a variance to locate the sign on a non-primary building wall.

As of writing this staff report, staff has not received any written correspondence from either the Lowry Hill East Neighborhood Association or the Calhoun Area Residents Action Group. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

**Findings Required by the Minneapolis Zoning Code:**

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The applicant is seeking a variance to allow for a wall sign to be located on a non-primary building wall. The applicant states that the strict adherence to the sign ordinance will limit the amount of site identification necessary to facilitate safe wayfinding guidance and identification to the parking lot from along Lake Street West. The applicant also states that relief if granted will ensure adequate identification of the retail pharmacy use and allow the property to seek its full commercial potential. The proposed sign faces east to target westbound traffic on Lake Street. The applicant has an approved permit for an internally illuminated projecting sign on the south elevation that will project over the right of way with sign faces towards both the east and westbound on Lake Street. Additionally, a permit has been approved for a 13 ft. tall freestanding sign at the intersection of Dupont Avenue and Lake Street W. which faces westbound Lake Street traffic. Staff believes that the permitted signage allows adequate visibility of signage to the east to allow for both pedestrian and automobile wayfinding to the parking area. Strict adherence to the regulations of the zoning ordinance does not prohibit a reasonable use of the property or cause undue hardship to the applicant.

**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 conditions upon which the variance is requested are not unique to the parcel. The structure has two primary building walls, each with street frontage. Given the length of the applicant's two primary building walls (212 ft. and 60 ft.) the applicant is permitted 272 sq. ft. of signage in addition to the freestanding sign. The on-site parking is accessible by a driveway along Dupont Avenue South that is beyond both the approved projecting sign and the approved monument sign for westbound traffic.

- 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 regulations governing on-premise signs were established to allow effective signage appropriate to the planned character of each zoning district, by promoting an attractive environment by minimizing visual clutter. The approved sign package includes a projecting sign with a sign face towards the east, a freestanding monument sign visible to the pedestrian, bicycle, and auto traffic on Lake Street, as well as a 45 sq. ft. “CVS/Pharmacy” sign, identical to the proposed sign, on the Lake Street Frontage. Staff believes that the proposed sign is not consistent with the spirit and intent of the sign ordinance because would contribute to visual sign clutter.

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

**Findings Required by the Minneapolis Zoning Code for the Proposed 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.**

The approved sign package includes a projecting sign with a sign faces towards the east and west, a freestanding monument sign visible to the pedestrian, bicycle, and auto traffic on Lake Street, and a 45 sq. ft. “CVS/Pharmacy” sign on the Lake Street West frontage identical to the proposed sign. Staff believes that the proposed sign would contribute to sign clutter that is visible to pedestrian, bicycle, and automobile traffic.

- 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 is to be constructed of an aluminum case with a red acrylic face with the copy “CVS/Pharmacy.” While the proposed sign is not particularly unique or exceptional, the staff believes that the proposed sign is consistent in materials, design, and character with the approved sign package.

**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 locate a proposed wall sign on non-primary building wall for a proposed drug store located at 1010 Lake Street West in the C2 Neighborhood Corridor Commercial District and the PO Pedestrian Oriented Overlay District.

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Correspondence from neighbors, neighborhood associations, etc.
- 3) Copy of e-mail sent to neighborhood organizations and CM Remington
- 4) Zoning map
- 5) Site plan
- 6) Building elevations
- 7) Floor plans
- 8) Photographs