

Department of Community Planning and Economic Development - Planning Division Report
Variances
BZZ-4974

Date: October 21, 2010

Applicant: Brad Johnson, Arcadia Management, (651) 696 3800

Address of Property: 2829-33 Lyndale Avenue South

Project Name: The Murals of Lyn-Lake, building signage

Contact Person: Myrna Orensten, Imaginality Designs, (763) 545 4123

Planning Staff: Robert Clarksen, (612) 673-5877

Date Application Deemed Complete: September 17, 2010

End of 60-Day Decision Period: November 16, 2010

Ward: 6 Neighborhood Organization: Whittier Alliance

Existing Zoning: C3A, Community Activity Center District, and PO Pedestrian Oriented Overlay District

Zoning Plate Number: 24

Proposed Use: Installation of two wall signs on the subject property.

Concurrent Review:

- A variance to the location requirements of the zoning code to permit the installation of an 80 SF (8' x 10') sign (sign 1) on the north elevation of the existing building, which is not a Primary Building Wall.
- A variance to increase the maximum square footage for a sign (sign 1) from zero square feet to 80 SF (8' x 10') where the wall does not meet the definition of a primary building wall.
- A variance to the location requirements of the zoning code to permit the installation of an 24 SF (5'9" x 3'6") sign (sign 2) on the south elevation of the existing building, which is not a Primary Building Wall.
- A variance to increase the maximum square footage for a sign (sign 2) from zero square feet to 24 SF (5'9" x 3'6") where the wall does not meet the definition of a 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 property located at 2829-33 Lyndale Avenue South consists of a six-story mixed use building on a zoning lot comprising approximately 50,000 square feet of land and several platted parcels. The subject property is a redevelopment project in the LynLake district of the Whittier Neighborhood in

South Minneapolis, which was initially approved by the City Planning Commission on January 8, 2007. A rezoning to permit the development was later approved by the City Council on February 9, 2007. The site is adjacent to the crossing of Lyndale Avenue over the Midtown Greenway, just south of 28th Street. The property is zoned C3A, Community Activity Center district, and is also located within the PO Pedestrian Oriented overlay zone. The existing six story structure contains a series of commercial tenants including a Chiropractor's office, and a restaurant named "Tiger Sushi" below 109 dwelling units on the upper five floors.

The applicant intends to install one sign each on the north and south elevation of the property. For the purpose of applying on-premise sign regulations, Chapter 520.160 of the Minneapolis Code of Ordinances provides the following definition of for "Primary Building Wall":

"a primary building wall is an exterior building wall that faces a street or an exterior building wall 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 Lyndale and Garfield Avenue elevations of the subject property meet the definition of a Primary Building Wall. Permits have been granted along these elevations according to the standard C3A zoning district allotment of 1.5 square feet of wall signage per foot of building wall. As the north and south elevations are unable to meet the definition of a PBW, a variance is required to add the proposed signs. Specifically, a variance to the location requirement for signage on a primary building wall is needed for the north and south elevation. Additionally, a variance to increase the maximum permitted square footage of a sign from zero to 80 square feet is required along the north elevation. Similarly, a variance to increase the maximum permitted square footage of a sign from zero to 24 square feet is required at the south elevation along the Midtown Greenway.

The proposed sign along the north elevation consists of a routed aluminum panel featuring internal illumination, and would be installed approximately 35 feet above grade, in an area best described as between the 3rd and 4th floor as indicated by the elevation provided to CPED staff. The proposed sign includes a logo representing paint being squeezed from a tube which is meant to reflect the artist community within the building and the area. The applicant intends to install the sign in an effort to enhance the visibility of the site/project from points north. The project complies with the C3A zoning district in terms of illumination and height of signs.

The proposed sign along the south elevation consists of a dibond panel with vinyl graphic lettering which highlights the name and address of the building as viewed from the Midtown Greenway stairway. The sign on the south elevation is muted in terms of size, lighting, and logo as compared with the sign on the north elevation as it serves a very different purpose. The south side of the Murals building is essentially a private plaza accessed by pedestrians via a stairwell leading from the lower level of the Greenway to private property above the trench. The applicant believes the proposed sign will serve as a reminder of location that provides a basic level of security in an area where there are concerns about the intersection of public and private property interests.

Staff has received a letter from the Whittier Alliance regarding the variance applications as requested. In a letter dated May 4, 2010, the neighborhood association explained that it did not support the applicants

request for the variance along the Greenway. However, the letter does indicate the neighborhood supports the granting of the variance regarding the sign on the north elevation provided it would be placed “no higher than the second floor”. A copy of the letter is included as an attachment at the end of this report.

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.**

Location of signage on non-primary building walls: The applicant seeks a variance to locate an 80 square foot sign on the north elevation of the existing building, and a 24 square foot sign on the south elevation. The applicant is concerned with the visibility of the site from surrounding area, citing the speed limit on Lyndale Avenue, and “the lack of clear identification of the building to motorists”, as well as security concerns near the greenway. The applicant also notes the building was originally intended as a condominium that is now being marketed as rental property. An existing projecting sign announcing “The Murals” is located at the south end of the front elevation. While this sign is located further south than the proposed sign for the north elevation, it does provide a reasonable means of identification of the building in the vicinity of the site, whether the intent is to target motorists or a potential apartment lessee. While granting the variance to allow a sign on the north elevation would better identify the building the zoning code provides ample opportunities to identify the building on the front elevation where the definition of a primary building wall can be met. For example, the Lyndale Avenue elevation of the building is nearly 200 feet long. For a building of this size, the C3A zoning district permits up to 1.5 square feet of wall signs for a total of 350 square feet of signage. A series of existing signs on this elevation identify the buildings tenants, and a portion of the remaining sign allocation could be reserved for purposes of identifying the building itself. The existing 48 square foot projecting sign identifies the building by name, and is visible for some distance in both directions along Lyndale Avenue. Additional signs could be placed near the north end of the Lyndale Avenue elevation that would be visible from either a northerly or southerly direction, while avoiding a variance from the applicable regulations. Staff is concerned the proposed sign on the north elevation is desired in order to make up for the location of the existing sign, which is not near enough to the driveway/entrance to the building to be effective, as this reflects a choice by the property owner to place the sign. Staff believes the applicant should explore other options which may provide a reasonable means of identification of the property, and may eliminate the need for any variances. Adding additional projecting signs near the parking entrance is a more appropriate alternative than the variance. While strict adherence to the ordinance will prohibit signs on non-primary walls, this should not result in any undue hardship as the applicant has the option to place additional signs in other locations on the building that comply with the ordinance.

Maximum area of signage along non-primary building walls: The applicant is seeking a variance to increase the maximum permitted area of wall signage from zero square feet to 80 square feet on the north elevation and zero to 24 feet on the south elevation. The north and south elevations of the existing building do not have a street frontage or public entrance and do not meet the criteria required in the zoning code to be considered a primary building wall. The zoning code permits signage only on the Lyndale and Garfield Avenue elevations. There are already several signs on the front (Lyndale Avenue) elevation which identify the tenants on the ground floor. An existing projecting sign at the south end of the Lyndale Avenue elevation announces the building as “The Murals of Lynlake”. The

applicant contends this sign does not provide adequate visibility of the project from points north of the site. CPED staff disagrees, and believes it would be possible to provide some additional signage on the front elevation which may serve the intended purpose of announcing the site in both northerly and southerly directions along Lyndale Avenue. Although the applicant expresses a desire for the sign on the south elevation to provide additional security in what is described as a semi public space that happens to be on private property, the sign ordinance is not intended to provide security. Adding additional projecting signs near the parking entrance is a more appropriate alternative than the requested variance. While strict adherence to the ordinance will prohibit signs on non-primary walls, this should not result in any undue hardship as the applicant has the option to place additional signs in other locations on the building that comply with the ordinance. Where a reasonable alternative to provide signage for the property exists, an application for a variance should be denied.

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.**

Location of signage on non-primary building walls: The applicant seeks a variance to locate an 80 square foot sign on the north elevation of the existing building, and a 24 square foot sign on the south elevation. The applicant is concerned with the visibility of the site from surrounding area, citing the speed limit on Lyndale Avenue, and “the lack of clear identification of the building to motorists”, as well as security concerns near the greenway. The applicant also notes the building was originally intended as a condominium that is now being marketed as rental property. An existing projecting sign announcing “The Murals” is located at the south end of the front elevation. The sign was constructed by the applicant in 2008, since that time several of the building tenants have added additional tenant ID signs. The applicant refers to the fact the existing projecting sign is located beyond the driveway as experienced by southbound motorists attempting to access the site. A sign permit indicates this sign was installed in 2007. CPED staff believes the location of this sign reflects a design choice by the applicant, and therefore it should not be viewed as an undue hardship or a unique circumstance of the property for purposes of this application. The Lyndale Avenue elevation of the building is nearly 200 feet long, and a significant signage allocation remains underutilized on this side of the structure. Staff believes there are additional opportunities for building identification signage which comply with zoning code requirements, and eliminate any need for the requested variance(s). CPED staff also believes a reasonable use for the property exists under the applicable regulations of the ordinance, and that strict adherence will not cause an undue hardship. Additional signage on the front elevation, such as another projecting sign near the north end of the building, would allow for the applicant to market the building as a rental apartment structure in the absence of the variance application being granted as proposed.

Maximum area of signage along non-primary building walls: The applicant is seeking a variance to increase the maximum permitted area of wall signage from zero square feet to 80 square feet on the north elevation, and zero to 24 square feet on the south elevation. These elevations do not meet zoning code criteria for primary building walls, and therefore no sign allocation is authorized by the ordinance. The existing building has several signs on the front (Lyndale Avenue) elevation which identify the tenants on the ground floor. An existing projecting sign at the south end of the Lyndale Avenue elevation announces the building as “The Murals of Lynlake”. The applicant contends this

sign does not provide adequate visibility of the project from points north of the site. CPED staff believes the location of this sign reflects a design choice by the applicant, and therefore it should not be viewed as an undue hardship or a unique circumstance of the property for purposes of this application. Rather, it may be possible to provide additional signage on the front elevation to announce the building along Lyndale Avenue as the applicant desires. Specifically, the C3A zoning district provides a comparatively generous allocation for projecting signs, and an additional projecting sign could be installed near the northern portion of the front elevation to enhance the visibility of the site consistent with the applicant's request. Economic considerations, such as a need to market the property to a different population due to a lack of sales to owner occupants, shall not be construed as an undue hardship or unique circumstance of the property, especially where a reasonable use of the property exists under the terms of the ordinance, as it does in the case of the subject site. The ordinance also provides an opportunity to install leasing signs on the property which may assist in the process of filling the units in the building.

- 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.**

Location of signage on non-primary building walls: The zoning code regulates on-premise signs to provide for effective signage appropriate to the planned character of each zoning district, and to minimize visual clutter or signage that is inconsistent with this intent. While granting the variances as requested is unlikely to be injurious to use or enjoyment of neighboring properties, staff is concerned about the adding signage to a nonprimary wall when there is a signage allocation available on the property that complies with the ordinance. Regarding the applicant's concerns about visibility of the building and the speed limit on Lyndale Avenue, staff believes the on-premise sign regulations are not intended to assist in marketing of goods or services beyond the immediate area surrounding the property where such goods or services are offered. In this case, the good or service being "sold" is rental dwelling units within an apartment building. CPED staff believes the variances requested are unnecessary as the property owner has options to add additional signage in a location that complies with the ordinance. Additionally, neighborhood representatives have expressed a desire for the Midtown Greenway to remain free from commercial messages, and the literal application of the zoning code will have the effect of preserving the spirit of the neighborhood's desire in this regard. Staff believes granting the variances, especially the one for the sign on the south elevation, could have the effect of altering the intended character of the Midtown Greenway.

Maximum area of signage along non-primary building walls: The zoning code regulates on-premise signs to provide for effective signage appropriate to the planned character of each zoning district, and to minimize visual clutter or signage that is inconsistent with this intent. While granting the variances as requested is unlikely to be injurious to use or enjoyment of neighboring properties, staff is concerned about the adding signage to a nonprimary wall when there is a signage allocation available on the property that complies with the ordinance. Regarding the applicant's concerns about visibility of the building and the speed limit on Lyndale Avenue, staff believes the on-premise sign regulations are not intended to assist in marketing of goods or services beyond the immediate area surrounding the property where such goods or services are offered. In this case, the good or service being "sold" is rental dwelling units within an apartment building. CPED staff believes the variances requested are unnecessary as the property owner has options to add additional signage in a location

that will comply with the ordinance. The literal application of the zoning code has the effect of prohibiting commercial messages oriented toward the greenway for most properties. Staff is concerned especially in regard to the Greenway elevation, that granting the variance may have a negative impact on the character of the greenway, as there are many other sites which like the subject property in that there are existing non-primary building walls facing the greenway. Staff believes granting the variances, especially the one for the sign on the south elevation, could have the effect of altering the intended character of the Midtown Greenway.

- 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.**

Location of signage on non-primary building walls: The requested variances are unlikely to increase the danger of fire or have negative public welfare or safety impacts beyond those discussed previously in finding number three.

Maximum area of signage along non-primary building walls: The requested variances are unlikely to increase the danger of fire or have negative public welfare or safety impacts beyond those discussed previously in finding number three.

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.**

Location of signage on non-primary building walls: The granting of the variance for the north elevation will result in the addition of a sign to a non-primary wall that could be accommodated on the front elevation in a manner consistent with the sign regulations. The ordinance does not provide for signage along walls which do not meet the criteria for a primary building wall. Effectively, this regulation acts as a tool which keeps the majority of the Midtown Greenway free of commercial messages, since many properties in the corridor have nonprimary frontages along the greenway. If not for such regulations, signs might otherwise be allowed facing the greenway, which may be construed as sign clutter. For the aforementioned reasons, CPED staff believes the variances for area and location requested to permit both signs are inconsistent with the purpose and intent of the sign regulations for the commercial zoning district in which the property is located.

Maximum area of signage along non-primary building walls: CPED staff believes that if the variances for the proposed signs are granted, it will be inconsistent with the purpose and intent of the sign regulations affecting the property. The ordinance does not authorize any signage along walls that do not meet the criteria for a primary building wall. Effectively, this regulation acts as a tool which keeps the majority of the Midtown Greenway free of commercial messages, since many properties in the corridor have non-primary frontages along the greenway, but very few of these have signage on their greenway elevation. If not for such regulations, signs might otherwise be allowed facing the greenway, and over time the addition of more signs may lead to clutter within the corridor. Also, were the city to allow signs on the non-primary walls, it could lead to sign clutter on the building as the

applicant can still fulfill the sign allotment on the Lyndale elevation if the variance is granted. CPED staff visited the site and observed five existing signs on the Lyndale Avenue elevation, as follows:

- “Murals of Lyn-Lake” letters and logo – 18” x 14’ or a total of 35 square feet
- “Hyvek Chiropractic” insertable panel cabinet sign – 24” x 10’ or a total of 20 square feet
- “Tiger Sushi” – hanging insertable panel projecting sign – 12” x 5’ or approx 5 square feet
- “Tiger Sushi” – projecting sign – 36” x 5’ or approx 15 square feet
- “Murals” – vertical projecting sign near south end – 24” x 12 feet or approx 24’

The site plan for the building indicates the Lyndale elevation is approximately 200 feet long. In the C3A zoning district, the zoning code permits up to 1.5 square feet of signage per foot of primary building wall. Assuming there is already approximately 100 square feet of existing signage on the building, the applicant has a remaining allotment of up to 150 square feet of additional signage which could be utilized at the front elevation in compliance with the ordinance.

Given the facts, it appears the requested sign adjustments deviate from the intent of the zoning regulations for signage at this property primarily due to convenience rather than an undue hardship or a lack of a reasonable alternative. Therefore, staff believes granting the variances the applicant has requested would be inconsistent with the purpose of the sign regulations in the C3A zone, which provide a reasonable means to market the property as a rental or owner occupied multiple dwelling unit.

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.

Maximum area and Location of signage on non-primary building walls: The proposed signage is of a high quality, and the materials and color choices are consistent with the design and appearance of the property. The sign intended on the north elevation would be consist of an eighty (80) square foot aluminum cabinet routed for lettering backed with plastic panels, mounted flat on the wall, which provides internal illumination, in addition to the “paint squirt” logo near the top of the sign. The sign intended for the south elevation is smaller, at twenty-four (24) square feet, and does not include the logo. It is constructed of a “dibond” flat panel design, and would not be illuminated. However, the concern in this instance is not about design of the signage or consistency with the building’s architectural style, but whether it is appropriate to add signage on walls that do not function as primary elevations as defined by the zoning code. The proposed signs are not consistent with the design of the site, which is oriented primarily to pedestrians using Lyndale Avenue within the Lyn-lake Activity Center. The fact that the subject property includes a stairpath access to and from the Midtown Greenway is not an appropriate basis to provide additional signs on the south elevation. Likewise, additional signage on the north elevation is not necessary to advertise or market the building, as there are other alternatives which can be accommodated given the existing zoning regulations. The possibilities include adding signage to the front elevation, and a providing a leasing sign on the site to market the dwelling units.

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 the location requirements

of the zoning code to permit the installation of an 80 square foot sign on the north elevation (sign 1) of the existing building, where the building elevation does not meet the requirements for a primary building wall at 2829-33 Lyndale Avenue South in the C3A Community Activity Center District.

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 increase the maximum square footage permitted from zero to 80 square feet for a sign on the north elevation (sign 1) of the existing building, where the elevation does not meet the requirements for a primary building wall at 2829-33 Lyndale Avenue South in the C3A Community Activity Center District.

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 the location requirements of the zoning code to permit the installation of a 24 square foot sign on the south elevation (sign 2) of the existing building, where the elevations does not meet the requirement for a primary building wall at 2829-33 Lyndale Avenue South in the C3A Community Activity Center District.

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 increase the maximum square footage permitted from zero to 24 square feet for a sign on the south elevation (sign 2) of the existing building, where the elevation does not meet the requirement for a primary building wall at 2829-33 Lyndale Avenue South in the C3A Community Activity Center District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of letters notice to Downtown Minneapolis Neighborhood Association and CM Goodman
- 3) Zoning map
- 4) Site plan
- 5) Sign plan/Photographs
- 6) Sign permit records since 2007