

**Department of Community Planning and Economic Development – Planning Division**  
**Conditional Use Permit**  
**BZZ-4653**

**Date:** February 8, 2010

**Applicant:** Tamer Azzazi

**Address of Property:** 505 Lake Street E

**Project Name:** N/A

**Contact Person and Phone:** Tamer Azzazi, (612) 353-8966

**Planning Staff and Phone:** Aly Pennucci, (612) 673-5342

**Date Application Deemed Complete:** January 12, 2010

**End of 60-Day Decision Period:** March 13, 2010

**End of 120-Day Decision Period:** Not applicable for this application

**Ward:** 8      **Neighborhood Organization:** Central Area Neighborhood Development Organization;  
Phillips West Neighborhood Organization

**Existing Zoning:** C1, Neighborhood Commercial District

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 25

**Legal Description:** Not applicable for this application

**Proposed Use:** General Retail

**Concurrent Review:**

**Conditional Use Permit:** to allow for a dynamic sign in the C1 Neighborhood Commercial District

**Variance:** to increase the size of a dynamic sign permitted under the conditional use permit from 32 square feet to 37.5 square feet

**Variance:** to increase the height of a dynamic sign permitted under the conditional use permit from 14 feet to 16.5 feet

**Variance** to the sign type to allow a dynamic sign in the C1 Neighborhood Commercial District

**Variance:** to allow 3 wall signs and a dynamic sign to be placed on a non-primary building wall

**Variance:** to increase the height of a wall sign on a non-primary building wall from 14 feet to 19 feet

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**Variance:** to the sign type to allow a backlit wall sign on a non-primary building wall in the C1 Neighborhood Commercial District

**Variance:** to increase the height of a wall sign on a primary building wall from 14 feet to 17 feet

**Variance:** to the sign type to allow a backlit awning in the C1 Neighborhood Commercial District

**Variance:** to increase the maximum area per sign for a backlit awning from 45 square feet to 76 square feet

**Variance** to allow more than two signs that mention a specific product or brand name sold or offered on the premises on a primary building wall

**Variance:** to increase the total permitted sign area on the north (primary) building wall from 33 square feet to 164 square feet

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances, specifically Section 525.520(21) “to vary 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, pursuant to Chapter 543, On-Premise Signs.”

**Background:** The applicant is seeking approval of one conditional use permit and 11 variances to allow for the following signs at 505 Lake Street East in the C1 Neighborhood Commercial district: one wall sign, one backlit awning, and several window signs on the front (north) primary building wall; and one dynamic sign, one backlit sign, one sign made up of individual letters that are internally illuminated and one wall sign on the side (west) non-primary building wall.

The subject property is approximately 22 ft. by 77 ft. (1,696 sq. ft.) and consists of an existing one-story commercial building that spans the width of the lot. The building contains one tenant space that is currently shared by two general retail sales and service uses: World of Wireless and Tarahumara Boots. T&M Properties, the owners of World of Wireless, purchased the property in November 2008. At that time, Tarahumara Boots occupied the entire building. In June of 2009 T&M Properties relocated a World of Wireless retail store from Bloomington, MN to the 505 Lake Street E location.

A notice of violation was sent to the property owners and tenant (Tarahumara Boots) on May 20, 2009 informing them of the following zoning violations: the Tarahumara Boots sign was installed without obtaining the required permits; the window signage exceeds the area allowance for the subject site; a World of Wireless portable sign exceeds the zoning code limitations. Following conversations with zoning staff, the applicant removed the portable sign and submitted a sign permit application for the Tarahumara Boots wall sign. The sign permit application indicated that the Tarahumara Boots sign would be installed at a height of 17 feet, which requires a variance to increase the height of a wall sign in the C1 district from 14 ft. to 17 ft. During a second inspection in October 2009, Zoning Enforcement Staff identified additional signs that were installed without obtaining the required permits. The applicant met with Zoning Administration staff to determine what applications would be required for the existing and proposed signage at this location. An incomplete land use application was submitted on November 24<sup>th</sup>, 2009. The application was deemed complete on January 12, 2010.

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The subject site is zoned C1 Neighborhood Commercial District. The maximum sign allocation per zoning lot in the C1 district is 1.5 square foot per 1 foot of primary building. A primary building wall is defined as: “*an exterior building wall that faces a street or that faces an accessory parking area and contains a public entrance.*” The zoning code limits the location of signs to primary building walls only. Because this property is an interior lot without any off-street parking or a public entrance to the side of the building, only the north wall meets the definition of a primary building wall.

Below is a summary of all of the proposed signs and what land use approvals are required for each sign (see appendix 9 in the packet with reference to sign numbers below).

**Sign Proposal – primary building wall (north wall)**

The applicant has proposed 108 square feet of signs (one wall sign, one backlit awning) and 56 square feet of window and door signs (164 sq. ft. total) on the primary building wall. Window signs are included in the calculation for the total permitted sign area. A variance is required to increase the total permitted sign area on this wall.

- **Sign #1** is an existing wall sign located on the north (primary) building wall facing Lake St. E. The applicant proposes raising the height of this existing sign to 17 feet to make room for the proposed backlit awning (sign #2). In the C1 district, the maximum height of a sign is 14 feet. A variance is required for height.
- **Sign #2** is a backlit awning that would be located on the north (primary) building wall facing Lake St. E. Backlit awnings are not a permitted sign type in the C1 district. Backlit awnings, with or without signage, are considered a sign and the entire awning area is included in the calculation of sign area. The maximum are per sign in the C1 district is 45 sq. ft. The proposed backlit awning is approximately 76 sq. ft. Variances are required for the sign type and size.
- **Sign #3** includes all window and door signs attached to the inside of the windows or door on the north facade. Section 543.440 of the Minneapolis Code of Ordinances limits the number of signs which mention a specific product or brand name sold or offered on the premises to not more than two such signs. Variances are required to allow more than two such signs on the primary building wall.

**Sign Proposal – non-primary building wall (west wall)**

The applicant proposes the installation of four signs on a non-primary building wall. The applicant removed a 128 sq. ft. wall sign to make repairs to the west, non-primary building wall. Prior to removing this sign the applicant met with zoning administration staff at which time the Zoning Administrator determined that this property would maintain legal, nonconforming rights to a 128 square foot non-illuminated wall sign on a non-primary building wall at a height of 19 ft. This sign type could be replaced at a size equal to or less than 128 sq. ft, and at a height equal to or less than 19 ft. without requiring a variance. Variances are required to allow four new signs, of varying types described below, on a non-primary building wall.

- **Sign #4** is an internally lit wall sign constructed of individual elements located on a non-primary building wall. The proposed sign area is 31.25 square feet. The proposed height is 19 feet. In the C1 district, the maximum height of a sign is 14 feet. Variances are required for height and location on a non-primary building wall.

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- **Sign #5** is a dynamic sign located on a non-primary building wall. A dynamic sign is defined as *“a sign, or any element of a sign, which provides the ability to change text or images, or exhibits changing effects in order to provide intermittent illumination or the illusion of such illumination, or any series of imagery or display which may appear to move or change, including changes produced by any electronic method. A dynamic sign is not a changeable copy sign, dynamic.”* A dynamic sign is not a permitted sign type in the C1 district.

In addition, except as allowed as-of-right in the Downtown Entertainment Area, dynamic signs are only allowed as a conditional use subject to the standards of section 543.340 *Dynamic Signs*. The proposed height of the dynamic sign is 16.5 feet. The proposed size is 47.5 sq. ft. Variances are required for the size, height, sign type and location on a non-primary building wall.

- **Sign #6** is a 14 square foot backlit wall sign. Backlit signs are not permitted in the C1 district. Variances are required for the sign type and location on a non-primary building wall.
- **Sign #7** is a 36 sq. ft. wall sign. A variance is required for the location on a non-primary building wall. This variance would not be required if not for the request to allow 3 additional signs on this wall.

Staff received letters of support from the Central Area Neighborhood Development Organization and the Lake Street Council (see appendix 6).

**CONDITIONAL USE PERMIT:** to allow for a dynamic sign in the C1 Neighborhood Commercial District (sign #5)

**Findings as required by the Minneapolis Zoning Code:**

The Department of Community Planning and Economic Development Planning Division has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. **Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Department of Community Planning and Economic Development – Planning Division staff does not believe that allowing the installation of a dynamic sign, which will measure 37.5 square feet, and installed at a height approximately 16.5 feet above grade, would be detrimental to or endanger the public health or safety but may be detrimental to the comfort or general welfare. A dynamic sign is a new sign type (adopted in July) permitted by conditional use in only a few areas of the City. The additional illumination and flashing may have some negative impacts.

2. **Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

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The proposed dynamic sign will project approximately 6 inches over the adjacent property line to the west (501 Lake Street E). If the required land use applications are approved, an easement agreement with the adjacent property owner would be required before a sign permit could be issued for the proposed dynamic sign. The adjacent property is currently used as an accessory parking lot for employees of the reception hall located at 419 Lake Street East. If this site is redeveloped in the future, any signs located on the non-primary building wall of the subject site may impede the orderly development and improvement of the adjacent property and, as proposed, may be visually injurious to the surrounding properties.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The site is served by existing infrastructure. The existing building spans the width of the lot and there is no off-street parking provided on site. On street parking is available immediately in front of the subject site.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

Staff does not anticipate the proposed sign to have a direct impact on traffic congestion.

**5. Is consistent with the applicable policies of the comprehensive plan.**

The *Urban Design* chapter of *The Minneapolis Plan for Sustainable Growth* states the following about signs: “Sign design needs to balance the desire to convey information with a need to maintain visual aesthetics so signage is not intrusive. The scale of signage should be geared toward the pedestrian and less to the automobile. Unique signage that incorporates unusual materials or designs is encouraged.”

*The Minneapolis Plan for Sustainable Growth* has the following policies for signs:

Policy 10.20: Promote an attractive environment by minimizing visual clutter and confusion caused by a proliferation of signage.

10.20.1 Location, size, height and spacing of off-premise advertising signs and billboards shall be regulated to minimize their visual blighting effects.

10.20.2 Master sign plans shall be submitted for multi-tenant buildings to ensure a complementary relationship between signage and the architecture of a building.

10.20.3 Develop incentives for exceptional sign design and style, including a special review process to ensure appropriate location, size, height and compatible design to the architecture of the building and other signage.

10.20.4 Develop a consistent, city-wide wayfinding signage design and maintenance plan for neighborhoods, trails, etc.

Policy 10.21: Unique areas and neighborhoods within the city should have a special set of sign standards

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to allow for effective signage appropriate to the planned character of each area/neighborhood.

10.21.1 Supporting the regional draw of Downtown entertainment areas, larger scale signage shall be allowed in appropriate places (such as the Hennepin Avenue Downtown Entertainment Area and Nicollet Mall Overlay District).

10.21.2 To promote street life and activity, signs should be located and sized to be viewed by people on foot (not vehicles) in order to preserve and encourage the pedestrian character of commercial areas that have traditional urban form.

10.21.3 Encourage effective signage that is appropriate to the character of the city's historic districts and landmarks, and preserves the integrity of historic structures.

The proposed sign does not meet the location, height, or sign type regulations of the C1 district, nor does it meet the specific standards for a dynamic sign. The Planning Division believes that the proposed dynamic sign is not in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*. The proposed sign would create visual clutter, is not sized or located to be viewed by people on foot and is not appropriated to the planned character of the C1 district.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.**

As stated in the background section, a dynamic sign is not a permitted sign type in the C1 district. In addition, except as allowed as-of-right in the Downtown entertainment Area, a dynamic sign is only allowed as a conditional use if it meets all of the following standards:

- *Number of signs.* There shall not be more than one (1) dynamic sign located on a zoning lot.
- *Location.* The dynamic sign shall be located on a primary building wall.
- *Height.* Notwithstanding Tables 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts, the maximum height of a dynamic sign attached to a building shall be fourteen (14) feet, or top of wall, whichever is less.
- *Size.* Dynamic signs shall not exceed thirty-two (32) square feet. Dynamic signs shall be included in the calculation of the total permitted sign area.
- *Duration of message.* The sign message shall remain static for a period of not less than eight (8) seconds.
- *Luminance.* Between 7:00 a.m. and 7:00 p.m. the maximum luminance shall be five thousand (5,000) nits and between 7:00 p.m. and 7:00 a.m. the maximum luminance shall be five hundred (500) nits

(§543.340)

The proposed dynamic sign does not conform to the size, height, sign type or location standards, nor does it comply with the location, height or type regulations for signs located in the C1 Neighborhood Commercial District.

**Findings Required by the Minneapolis Zoning Code for a sign adjustment:**

**543. 510. Approval criteria.** 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 may be approved if the following criteria are met:

- 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 proposed sign does not conform to the sign type or location requirements in the C1 district nor does it comply with the standards for a dynamic sign listed in Section 543.340 of the zoning code (see finding #6 above). On-premise sign regulations 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 properties and to protect the public health, safety and welfare. In July of this year a comprehensive revision related to the on-premise sign regulations in the zoning code was adopted by the City Council. The on-premise sign chapter was amended for several reasons, including that illumination technology has changed over the last ten years, impacting how signs are manufactured. The previous sign regulations prohibit dynamic signs. In the amendment adopted in July 2009, a dynamic sign was not identified as appropriate in the C1 District.

The applicant states that a dynamic sign is needed to help attract customers from as far south as Monticello, Rochester, Shakopee, and Jordon as well as the south metro. The C1 District is established to provide a convenient shopping environment of small scale retail sales and commercial services that are compatible with adjacent residential uses and is not generally understood to be used for regional shopping destinations. The applicant also states that a dynamic sign is needed to allow for sign text in multiple languages. While a dynamic sign is not a permitted sign type in the C1 district, a changeable copy sign, dynamic, is permitted and would allow for sign text in multiple languages. A changeable copy sign, dynamic, is defined as *“a sign or portion thereof with letters and numbers only that can be electronically changed or rearranged without altering the face or the surface of the sign.”*

The Department of Community Planning and Economic Development – Planning Division believes that the sign adjustment will contribute to sign clutter in the area and is inconsistent with the purpose of the C1 district in which the property is located.

- 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.**

While the materials (LED lights and a metal cabinet) are generally appropriate, the proposed dynamic sign does not comply with the size, type, height or location requirements of the code and does not match the scale or design of the building or the site.

**VARIANCE** – to (1) vary the sign type, to (2) increase the size and (3) height of a dynamic sign permitted under the conditional use permit (sign #5)

**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 vary the sign type and to increase the size and height of a dynamic sign permitted under the conditional use permit. The applicant states that if the requested variances are not approved, no additional signage would be permitted on the subject site and would not allow for a sign in multiple languages. However, as mentioned previously, this property has nonconforming rights to a 128 sq. ft. non-illuminated wall sign on the non-primary building wall. A non-illuminated wall sign that is less than or equal to 128 sq. ft. could be installed at this location without seeking a variance. In addition, the proposed sign plan for this building could be modified to allow for a changeable copy sign, dynamic, on the primary building wall to allow for multiple languages. The Department of Community Planning and Economic Development – Planning Division staff believes that strict adherence to the regulations of the zoning ordinance does allow for reasonable use, that the proposal is not reasonable, and that the regulations do not cause undue hardship.

- 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 circumstances are not unique to the parcel of land for which the variance is sought and have been created by the applicant. Small, one-story commercial buildings that span the width of a lot are not uncommon in the C1 district. Due to the proposed height, size and location of the proposed dynamic sign, the applicant has created the need for a variance of three of the five standards for a dynamic sign.

- 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.**

Granting the variance will not be in keeping with the spirit and intent of the ordinance and may alter the essential character of the locality. On-premise sign regulations are established to allow effective signage appropriate to the planned character of each zoning district. With the recent revision of the on-premise sign regulations in the zoning code planning staff reviewed the regulations applied to each zoning district and determined that a dynamic sign of this size and height does not fit the planned character of this zoning district. In addition, the proposed dynamic sign will face a lot currently used as accessory parking, however in the future could be redeveloped in such a way that the proposed dynamic sign would be covered or may impede future redevelopment.

- 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.**

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

**VARIANCE** – to: (1) allow four signs to be placed on a non-primary building wall (signs #4 -7); (2) to vary the sign type to allow a backlit sign (sign #6); and (3) to increase the height of a wall sign on a non-primary building wall from 14 feet to 19 feet (sign #4)

**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 four signs to be located on a non-primary building wall (an internally lit wall sign constructed of individual elements dynamic sign, a dynamic sign, a backlit sign and a flat sign), a variance to the sign type to allow a backlit sign and a variance to increase the height of a wall sign on a non-primary building wall from 14 feet to 19 feet. The applicant states that if the requested variances are not approved, no additional signage would be permitted on the subject site. This property has nonconforming rights to a 128 sq. ft. non-illuminated wall sign on the non-primary building wall at a height of 19 feet. A non-illuminated wall sign that is less than or equal to 128 sq. ft. installed at a height of less than or equal to 19 feet that meets all other requirements of the C1 district could be installed at this location without seeking a variance. The proposed 36 sq. ft. non-illuminated wall sign on the non-primary building wall (sign #7 Tarahumara Boots & Western Wear) would not require a variance if it was the only sign requested for this wall. The Department of Community Planning and Economic Development – Planning Division staff believes that with the non-conforming rights, this property already has the option to install significantly more signage than what would typically be permitted and strict adherence to the regulations of the zoning ordinance does allow for reasonable use, that the proposal is not reasonable, and that the regulations do not cause undue hardship.

- 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 circumstances are not unique to the parcel of land for which the variance is sought and have been created by the applicant. Small, one-story commercial buildings that span the width of an interior lot and have only one primary building wall are not uncommon in the C1 district. If not for the proposed number, height and type of signs proposed on the non-primary building wall, the applicant could install a sign up to 128 sq. ft., at a height of 19 ft., which is more signage than is typically permitted or feasible on a commercial building located on an interior lot. The Department of Community Planning and Economic Development – Planning Division staff believes that this allows for reasonable use of the property.

- 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.**

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As stated above, small, one-story commercial buildings that span the width of an interior lot and have only one primary building wall are not uncommon in the C1 district. Allowing multiple signs, two of which are not permitted sign types in the C1 district, to be located on a non-primary building wall does not meet the spirit or intent of the ordinance and may alter the essential character of the locality.

- 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.**

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

**Findings Required by the Minneapolis Zoning Code for a sign adjustment:**

**543. 510. Approval criteria.** 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 may be approved if the following criteria are met:

- 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 Department of Community Planning and Economic Development – Planning Division believes that replacing one nonconforming wall sign with four separate signs with three different types of illumination does contribute to sign clutter and is inconsistent with the purpose of the C1 district in which the property is located.

- 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.**

While the materials (LED lights and a metal cabinet, electrical channel letters, and aluminum) are generally appropriate, the proposed signs do not comply with the size, type, height or location requirements of the code nor are they designed to relate to the architectural character of the building.

**VARIANCE** – to increase the height of a wall sign on a primary building wall from 14 feet to 17 feet (sign #1)

**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.**

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The applicant is seeking a variance to increase the height of a wall sign on a primary building wall from 14 feet to 17 feet. The existing wall sign needs to be relocated to allow for an awning to the front of the building. Due to the size of the building and the window configuration, the zoning ordinance limits the area where an awning and a wall sign can be located. The Department of Community Planning and Economic Development – Planning Division staff believes that installing an awning (not backlit) and a wall sign, is a reasonable use of the property and strict adherence to the regulations does cause undue hardship.

- 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 circumstances are unique to the parcel of land for which the variance is sought and have not been created by the applicant. The windows span the entire width of the building and it is reasonable to expect that an awning (not backlit) could be installed above the windows and that a commercial building could have an awning and a wall sign.

- 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.**

Allowing an awning and wall sign to be located on a primary building wall does meet the spirit or intent of the ordinance and will not alter the essential character of the locality.

- 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.**

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

**Findings Required by the Minneapolis Zoning Code for a sign adjustment:**

**543.510. Approval criteria.** 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 may be approved if the following criteria are met:

- 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 believes that the proposed sign is not out of scale for the area and will not lead to sign clutter. The proposed sign is within the size and type requirements of the code and the height is below the roofline of the building and will allow for an awning (not backlit) on the front of a commercial building.

- 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.**

This sign is painted flat wall sign. This is an existing sign will be relocated on the building and therefore there will be no changes to the character and function of the building.

**VARIANCE** – to (1) vary the sign type to allow a backlit awning and (2) to increase the maximum area per sign for a backlit awning from 45 square feet to 76 square feet (sign #2)

**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 the sign type to allow for a backlit awning and to increase the maximum area per sign for the backlit awning from 45 square feet to 76 square feet. In the C1 district the maximum area per sign is 45 square feet and backlit awnings are not a permitted sign type. When an awning is backlit the entire awning is measured to determine the sign area. If not for the proposed backlighting, the size of the sign would be determined by drawing a rectangle around the text. The proposed awning, without backlighting, would measure approximately 30.25 sq. ft. and would meet the requirements of the C1 district (*note: if added to other signs that would exceed a total sign area of 33 sq. ft. a variance is required to increase the total area of signs, but not to the sign type or size*). The applicant can install external illumination for the awning. The Department of Community Planning and Economic Development – Planning Division staff believes that strict adherence to the regulations to of the zoning ordinance does allow for reasonable use, that the proposal is not reasonable, and that the regulations do not cause undue hardship.

- 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 circumstances are not unique to the parcel of land for which the variances are sought and have been created by the applicant. If not for the proposed backlighting the awning would meet the regulations of the zoning ordinance.

- 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.**

Granting the variance will not be in keeping with the spirit and intent of the ordinance and may alter the essential character of the locality. A backlit awning is not a permitted sign type in any zoning district in the City.

- 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.**

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

**Findings Required by the Minneapolis Zoning Code for a sign adjustment:**

**543. 510. Approval criteria.** 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 may be approved if the following criteria are met:

- 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 Department of Community Planning and Economic Development – Planning Division believes that a backlit awning that exceeds the maximum area per sign does contribute to sign clutter and is inconsistent with the purpose of the C1 district in which the property is located. When a sign is backlit the entire awning is illuminated, increasing the visual impact of the sign and contributes to visual clutter.

- 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.**

While the proposed sign material (vinyl awning) are generally appropriate, the sign does not comply with the size, type, or illumination requirements of the code. If not backlit, the awning will relate to the function and architectural character of the building.

**VARIANCE** – to allow more than two signs that mention a specific product or brand name sold or offered on the premises on a primary building wall (sign #3)

**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 more than two signs that mention a specific product or brand name sold or offered on the premises on a primary building wall. Section 543.440 of the zoning code limits the number of signs which mention a specific product or brand name sold or offered on the premises, except identifications signs, to not more than two (2) such signs for all zoning districts. The Department of Community Planning and Economic Development – Planning Division believes that

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allowing two signs which mentions a specific product or brand name does allow for reasonable use of the property, that the proposal is not reasonable, and that the regulations do not cause undue hardship.

- 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 circumstances are not unique to the parcel of land for which the variance is sought and have been created by the applicant. All properties in the City are subject to this regulation, including other retail uses that sell a variety of products. The Department of Community Planning and Economic Development – Planning Division staff believes that two such sign does allow for reasonable use of the property.

- 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.**

Granting the variance will not be in keeping with the spirit and intent of the ordinance and may alter the essential character of the locality. As mentioned previously, all properties in the City are limited to no more than two such signs that mention a specific product or brand name sold or offered on the premises. Allowing more than two such sign would contribute to visual 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.**

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

**Findings Required by the Minneapolis Zoning Code for a sign adjustment:**

**543. 510. Approval criteria.** 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 may be approved if the following criteria are met:

- 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 Department of Community Planning and Economic Development – Planning Division believes that this sign adjustment does significantly increase sign clutter at the subject site and is inconsistent with the purpose of the C1 district in which the property is located.

- 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.**

While the materials are generally appropriate, the proposed window signs do not relate in size, shape, materials, color or illumination and character of the building or property on which the sign will be located.

**VARIANCE** –to increase the total permitted sign area on the north (primary) building wall from 33 square feet to 164 square feet (signs #1-3)

**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 increase the total permitted sign area on the north (primary) building wall from 33 square feet to 164 square feet. The subject site is 22 feet wide which allows for a maximum of 33 square feet of signage. Narrow, one-story commercial buildings with maximum sign allotments in this range are not uncommon in the C1 district. The sign area proposed by the applicant is approximately five times what is allowed in the district; staff believes that an increase in sign area to this extent is not reasonable. If the property owner divided the building into two separate tenant spaces (with separate entrances) each tenant would be guaranteed a minimum of 30 sq. ft. of signage without seeking a variance. Due to two business sharing one tenant space, the Department of Community Planning and Economic Development – Planning Division staff recognizes a the need for some additional sign area.

- 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 circumstances are unique due to the way the tenants share this space, however staff does not believe that an increase from 33 sq. ft. to 164 sq. ft is reasonable and has been created by the applicant.

- 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.**

Granting the requested variance to increase the sign area to 164 sq. ft. will not be in keeping with the spirit and intent of the ordinance and may alter the essential character of the locality, however staff believes that allowing a small increase to allow both business reasonably sized signs would be in keeping with the spirit of the ordinance and would not alter the essential character of the locality.

- 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.**

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

**Findings Required by the Minneapolis Zoning Code for a sign adjustment:**

**543. 510. Approval criteria.** 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 may be approved if the following criteria are met:

- 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 believes increasing the maximum allowed signage from 33 sq. ft. to 164 sq. ft. would lead to sign clutter in the area. The amount of signage proposed is out of scale for signage in the neighborhood and is inconsistent with the purpose of the C1 district. A small increase in the total sign area would allow for both an awning (not backlit) and a wall sign for the two businesses and would not contribute to sign clutter in the area and would be more consistent with the C1 district.

- 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 variance to increase the total permitted sign area on the north (primary) building wall from 33 square feet to 164 square feet does not relate to the function and architectural character of the building or property on which the sign will be located. This is a small, one story commercial building that would be obscured with this amount of signage. Some additional signage that would not cover windows and would allow for an awning (not backlit) and a wall sign is more in keeping with the character and function of the building.

**RECOMMENDATIONS**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the conditional use permit to allow for a dynamic sign for the property located at 505 Lake Street East in the C1 Neighborhood Commercial District.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to increase the size of a dynamic sign permitted under the conditional use permit from 32 square feet to 37.5 square feet for the property located at 505 Lake Street East in the C1 Neighborhood Commercial District.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to increase the height of a dynamic sign permitted under the conditional use permit from 14 feet to 16.5 feet for the property located at 505 Lake Street East in the C1 Neighborhood Commercial District.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to the sign type to allow a dynamic sign in the C1 Neighborhood Commercial District for the property located at 505 Lake Street East in the C1 Neighborhood Commercial District.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to allow 3 wall signs and a dynamic sign to be placed on a non-primary building wall for the property located at 505 Lake Street East in the C1 Neighborhood Commercial District.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to increase the height of a wall sign on a non-primary building wall from 14 feet to 19 feet for the property located at 505 Lake Street East in the C1 Neighborhood Commercial District to the February 22, 2010 public hearing.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to the sign type to allow a backlit wall sign on a non-primary building wall in the C1 Neighborhood Commercial District for the property located at 505 Lake Street East in the C1 Neighborhood Commercial District.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to increase the height of a wall sign on a primary building wall from 14 feet to 17 feet for the property located at 505 Lake Street East in the C1 Neighborhood Commercial District, subject to the following conditions:

1. Approval of the final sign plans by the Department of Community Planning and Economic Development – Planning Division.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to the sign type to allow a backlit awning in the C1 Neighborhood Commercial District for the property located at 505 Lake Street East in the C1 Neighborhood Commercial District.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to increase the maximum area per sign for a backlit awning from 45 sq. ft. to 76 sq. ft. in the C1 Neighborhood Commercial District for the property located at 505 Lake Street East in the C1 Neighborhood Commercial District.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to allow more than two signs that mention a specific product or brand name sold or offered on the premises on a primary building wall for the property located at 505 Lake Street East in the C1 Neighborhood Commercial District.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to increase the total permitted sign area on the north (primary) building wall from 33 square feet to 164 square feet and in lieu thereof **approve** a variance to increase the total permitted sign area on the north (primary) building wall from 33 square feet to 66 square feet for the property located at 505 Lake Street East in the C1 Neighborhood Commercial District subject to the following conditions:

1. Approval of the final sign plans by the Department of Community Planning and Economic Development – Planning Division.

**Attachments:**

1. Statement of proposed use. Conditional use permit and variance findings
2. Letters to Council office and neighborhood group
3. Zoning map
4. Elevations and photo simulations of the building showing the location of the proposed signs
5. Correspondence
6. Zoning map
7. Site plan
8. Photos (including photos of other World of Wireless locations submitted by the applicant)
9. Staff diagram of proposed signs