

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Variance
BZZ-3640

Date: July 16, 2007

Applicant: Ivy Tower Development

Address of Property: 1115 2nd Avenue South, 1103 ½ 2nd Avenue South and 1101 2nd Avenue South

Project Name: Ivy Hotel + Residence

Contact Person and Phone: Jeff Laux, (612) 339-9334

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: June 13, 2007

End of 60-Day Decision Period: August 12, 2007

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

Ward: 7 Neighborhood Organization: Downtown Minneapolis Neighborhood Association

Existing Zoning: B4S-2 and the DP, Downtown Parking Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 19

Legal Description: Not applicable for this application

Proposed Use: Hotel and residences

Concurrent Review:

Conditional use permit: to allow three wall signs notwithstanding the height and area limits of Table 543-3, Specific Standards for Signs in the Downtown Districts, to allow wall signs that are approximately 215 square feet and installed at a height approximately 295 feet above grade.

Variance: to increase the number of wall signs permitted under the conditional use permit from two to three.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits and 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 Ivy Hotel + Residence development is located in Downtown Minneapolis on the southeast corner of the intersection of 2nd Avenue South and 11th Street South. The development, which was reviewed by the Planning Commission in 2002, 2004 and 2006, is currently under construction and set to open in the fourth quarter of this year. The applicant is seeking approvals of two land use applications in order to install three wall signs near the top of the building for identification and wayfinding purposes.

The applicant intends on locating three signs that read “Hotel Ivy” on the building towards the roof line. There would be one sign located on the west, south and east sides. The signs would be made up of individual letters illuminated by internal low voltage LED outputs. At night the signs would appear white in color.

CONDITIONAL USE PERMIT - to allow three wall signs notwithstanding the height and area limits of Table 543-3, Specific Standards for Signs in the Downtown Districts, to allow wall signs that are approximately 215 square feet and installed at a height approximately 295 feet above grade

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that allowing the installation of wall signs that are approximately 215 square feet and installed at a height approximately 295 feet above grade would be detrimental to or endanger the public health, safety, comfort or general welfare. The applicant has indicated that the signs will be installed in the same manner that the wall system is being installed and that permanent equipment will be installed on the roof of the building that will provide access to the signs for maintenance purposes.

2. The conditional use 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.

The Planning Division does not believe that allowing the installation of wall signs that are approximately 215 square feet and installed at a height approximately 295 feet above grade would be injurious to the use and enjoyment of other property in the area. Surrounding uses include offices, high-density residential, hotels, the Minneapolis Convention Center and parking structures. Many of the surrounding buildings have signage located near the top of them which helps to identify the use from a distance.

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

The applicant will be working closely with the Plan Review Section of the Inspections Department and the various utility companies during the installation of the wall signs to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The site is located on the southeast corner of the intersection of 2nd Avenue South and 11th Street South. Second Avenue South is a one-way southbound and 11th Street South is a one-way westbound. Twelfth Street South, just one property south of the site, is a one-way eastbound. All of the parking for the building is through valet. The valet parking area is located within the building and is accessed from 2nd Avenue South. Given the location of the building amongst a series of one-way streets the Planning Division believes that locating wall signs near the top of the building for identification and wayfinding purposes will help to minimize traffic congestion in the public streets.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

According to the Principles and Policies outlined in *Downtown 2010 Plan* the following apply to this proposal:

- Facilitate pedestrian movement between the convention center and the hotels, retail and entertainment districts in order to generate economic activity in downtown (Hospitality & Conventions Policy number 3).
- Create superior access between downtown and the airport (Hospitality & Conventions Policy number 4).

The Planning Division believes that the proposed development is in conformance with the above policies of the *Downtown 2010 Plan*. Locating the walls signs near the top of the building will not only help those attending events at the convention center to find the Ivy Hotel but they will also help those coming into downtown to find the building.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permit and the variance the sign package will meet the applicable regulations of the zoning district.

VARIANCE - to increase the number of wall signs permitted under the conditional use permit from two to three

Findings as Required by the Minneapolis Zoning Code for the Variance:

- 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.**

Number of signs: The applicant is seeking a variance to increase the number of wall signs permitted under the conditional use permit from two to three. The applicant has indicated that the development is located in an area of high-rise buildings and amongst a series of one-way streets. The Planning Division believes that having two large (215 square feet) wall signs at the top of the building is reasonable. No evidence has been submitted that would indicate that not allowing the third sign would 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.

Number of signs: The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance.

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.

Number of signs: The intent of the ordinance is to prevent sign clutter and to limit the number of signs that can be placed on a building higher than six stories or 84 feet. The Planning Division believes that allowing a third sign without evidence of hardship would not be in keeping with the spirit and intent of the ordinance.

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.

Number of signs: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

543.420. Approval criteria. Adjustments 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 conditional use permit to allow wall signs on buildings taller than six stories or 84 feet specifically limits the number of signs on a building to two in order to prevent sign clutter. When approaching downtown from either the south or the west one can see both the south and west sides of the building at the same time. Given this, allowing three signs on the building could lead to sign clutter.

2. The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.

The applicant intends on locating three signs that read “Hotel Ivy” on the building towards the roof line. The signs would be made up of individual letters illuminated by internal low voltage LED outputs. At night the signs would appear white in color. As indicated by the applicant the signs are meant to be simple and elegant in order to blend in with the design 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 **approve** the conditional use permit application to allow two wall signs notwithstanding the height and area limits of Table 543-3, Specific Standards for Signs in the Downtown Districts, to allow wall signs that are approximately 215 square feet and installed at a height approximately 295 feet above grade located at 1115 2nd Avenue South, 1103 ½ 2nd Avenue South and 1101 2nd Avenue South subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

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 application to increase the number of wall signs permitted under the conditional use permit from two to three located at 1115 2nd Avenue South, 1103 ½ 2nd Avenue South and 1101 2nd Avenue South.

Attachments:

1. Statement of proposed use
2. Conditional use permit and variance findings
3. Elevations and photo simulations of the building showing the location of the proposed signs

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4. June 10, 2007, letter to Council Member Goodman and the Downtown Minneapolis Neighborhood Association
5. Zoning Map
6. Site plan, floor plans and elevations