

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-4478

Date: September 17, 2009

Applicant: Shea, Inc.

Address of Property: 700 5th Avenue South

Project Name: Downtown Minneapolis Neighborhood Association

Contact Person and Phone: Ryan Kronzer, 612-339-2257

Planning Staff and Phone: Brad Ellis, 612-673-3239

Date Application Deemed Complete: July 8, 2009

End of 60-Day Decision Period: In a letter dated August 5, 2009, the applicant requested to extend the decision period to no later than November 23, 2009.

Ward: 07 Neighborhood Organization: Downtown Minneapolis Neighborhood Association, adjacent to Elliot Park Neighborhood

Existing Zoning: B4-1 Downtown Business District
 DP Downtown Parking Overlay District

Zoning Plate Number: 19

Legal Description: N/A

Proposed Use: Signage for a Principal Parking Facility

Concurrent Review:

- Variance to allow three dynamic changeable copy signs on one zoning lot
- Variance to increase the maximum height of three dynamic changeable copy signs
- Variance to increase the maximum size of a projecting sign
- Variance to increase the maximum projection of three projecting signs

Applicable zoning code provisions: 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: Shea Inc., on behalf of Alatus LLC, has applied for several variances on the property located at 700 5th Avenue South, Centre Village. The subject site is roughly half a city block and

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consists of Principal Parking Facility (the Centre Village Ramp), a hotel, a drive-through bank, offices, and over 200 dwelling units. The parking facility was originally owned by the City of Minneapolis, and was sold to Alatus LLC on October 30, 2007. The building has street frontages on 5th Avenue South, 7th Street South, and 8th Street South. The parking ramp can only be entered on 5th Avenue South and 7th Street South. As part of the purchase agreement with the City, the applicant will be conducting façade improvements, and has already submitted building plans to that end.

The B4-1 Business Service District permits one freestanding sign per zoning lot with a maximum height of eight feet and a maximum size of 32 square feet. The sign chapter has been recently changed to allow dynamic changeable copy signs, subject to the following applicable standards:

- The dynamic changeable copy sign shall be limited to letters or numbers only. The background of the dynamic changeable copy sign shall be black and the text shall be colored.
- There shall not be more than one (1) dynamic changeable copy sign located on a zoning lot.
- The dynamic changeable copy sign shall be located on a primary building wall or be part of a freestanding sign.
- The maximum size of the dynamic changeable copy sign shall be sixteen (16) square feet. Dynamic changeable copy signs shall be included in the calculation of the total permitted sign area.
- The copy of the dynamic changeable copy sign shall remain static for a period of not less than one (1) hour.
- Between 7 a.m. and 7 p.m. the maximum luminance shall be 5,000 nits and between 7 p.m. and 7 a.m. the maximum luminance shall be 500 nits.

The applicant is proposing to remove some existing signs and replace them with new signage. The applicant is requesting variances to number and height of dynamic changeable copy signs, which, as noted above, are limited to one per zoning lot with a maximum height of 14 feet when attached to a wall. The applicant is requesting a variance to the maximum size of a projecting sign from 48 square feet to 80 square feet, as well as variances to the maximum projection of three projecting signs: two signs varied from four feet to six feet, and one sign from four feet to five feet one inch. All of the proposed signs are internally illuminated projecting signs with a dynamic changeable copy element and the text “Park” and “P” to indicate public parking. The sign with the size variance request also includes two elements above the dynamic changeable copy sign, one element with the text “Centre Village” and the other element with the text “Comfort Suites” and a logo.

The existing hotel recently changed its name from Embassy Suites to Comfort Suites and replaced signage around the building. Sign permits were installed for this work, but no sign permits were obtained.

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.**

Three dynamic changeable copy signs on one zoning lot and the maximum height of three dynamic changeable copy signs: The applicant is seeking a variance to increase the maximum number of dynamic changeable copy signs on one zoning lot as well as the height of those dynamic changeable

copy signs. The applicant has a parking ramp on a large site (just over an acre) and has unique identification needs. The property fronts on three streets, and there are ten different drive aisles on the property. Were the dynamic changeable copy sign to be used to give the current price of the ramp, it would allow drivers to make pricing decisions prior to attempting to enter the ramp, as well as indicate where the ramp entrance is located on a given street. A projecting sign is ordinarily allowed to be 28 feet in height to top of sign; were these signs simply projecting signs with no dynamic changeable copy element they would not require a height variance. Increasing the height of the dynamic changeable copy signs allows the signs to be visible from a greater distance, aiding motorists attempting to locate a place to park. This would allow better traffic flow by avoiding unnecessary turns as well as possible attempts to back out of the ramp. Signage directing automobile traffic to a public parking facility is a reasonable use on a site of over an acre, and strict adherence to the regulations of the zoning ordinance would prevent proper signage causing undue hardship.

Maximum size of a projecting sign: The applicant is requesting to vary the maximum size of a projecting sign from 48 square feet to 80 square feet for a proposed sign over the 7th Street South entrance to the ramp. This sign would replace an existing sign over the 7th Street entrance. The existing sign is for the condominiums and for the hotel. The applicant is requesting the larger sign to incorporate all three uses on to one sign, asserting that the combined uses require increased sign area. There are existing signs below this sign identifying Centre Village as well as Comfort Suites. The sign could be redesigned to incorporate all elements if portions were shrunk or moved. Staff believes strict adherence to the specific sign standards would not cause undue hardship.

Maximum projection of three projecting signs: The intent of the applicant is to use the 8th Street South sign (where no entrance exists) to direct traffic around the corner on to 5th Avenue South where another projecting sign would direct that traffic as well as traffic already on 5th Avenue to the 5th Avenue South entrance. The 8th Street sign is proposed to project five feet one inch and the 5th Avenue sign is proposed to project six feet. The applicant is also proposing to replace an existing projecting sign on 7th Street South which includes signage for public parking, Centre Village, and Comfort Suites. The proposed sign would project six feet. While the skyway above does limit the location of signage along 7th Street South, staff feels the existing regulations limiting the projection of signs to four feet is sufficient to accommodate any signage necessary to identify the ramp. The signs could be designed in such a way that the either the readerboard be smaller, or the parking logos changed or moved on the sign and still accomplish the same signage goals. Staff believe that strict adherence to the specific sign standards would 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.**

Three dynamic changeable copy signs on one zoning lot and the maximum height of three dynamic changeable copy signs: The ramp can only be entered from 5th Avenue South and 7th Street South despite fronting on three streets, and there are 10 vehicle lanes for the various uses in the building. 5th Avenue South is a one-way street heading north 7th Street South is a one-way street heading west and 8th Street South is a one-way street heading east. The configuration of these streets coupled with

minimal or poor signage can create confusion in drivers looking to park in the ramp. Staff believes additional dynamic changeable copy signs higher than 14 feet to top of sign could allow a driver to make a decision on whether to enter the ramp prior to attempting to locate the entrance, limiting unnecessary turns and traffic along the streets adjoining the ramp. The conditions upon which the variance is requested are unique to the parcel and were not created by the applicant.

Maximum size of a projecting sign and maximum projection of three projecting signs: The ramp can only be entered from 5th Avenue South and 7th Street South despite fronting on three streets, and there are 10 vehicle lanes for the various uses in the building. 5th Avenue South is a one-way street heading north 7th Street South is a one-way street heading west and 8th Street South is a one-way street heading east. While staff believes that the configuration of these streets coupled with minimal or poor signage can create confusion in drivers looking to park in the ramp, the existing regulations allow for properly-sized signs that accomplish this goal. Staff believes the circumstances of the larger signage are a product of the design, and have 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.**

Three dynamic changeable copy signs on one zoning lot and the maximum height of three dynamic changeable copy signs: Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance by allowing two additional projecting dynamic changeable copy signs high enough to be seen by motorists attempting to enter the parking ramp. The additional signs would meet all other requirements of the zoning code. The sign is in keeping with the scale and character of the ramp, the hotel, and other large buildings in the vicinity.

Maximum size of a projecting sign and maximum projection of three projecting signs: Staff believes the larger signs would not be in keeping with the spirit and intent of the ordinance. The larger signs would not likely alter the essential character of the locality nor be injurious to the use or enjoyment of other property in the vicinity.

- 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.**

Three dynamic changeable copy signs on one zoning lot and maximum height of three dynamic changeable copy signs: Granting the variance could decrease the congestion of area streets since drivers would be more effectively able to locate the entrances to the ramp as well as make pricing decisions prior to attempting to locate the ramp. Granting the variance would likely have no impact on fire safety, nor would the proposed signs be detrimental to the public welfare or endanger the public safety.

Maximum size of a projecting sign and maximum projection of three projecting signs: Staff believes increased size or projection would likely have no impact on traffic congestion, but is unnecessary. Granting the variance would likely have no impact on fire safety, nor would the proposed signs be detrimental to the public welfare or endanger the public safety.

Findings required by the Minneapolis Zoning Code for a 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.**

Three dynamic changeable copy signs on one zoning lot and maximum height of three dynamic changeable copy signs: The proposed signs would be the primary source of signage for the applicant. The applicant is proposing to remove an existing pole sign in the right-of-way along with some other banners currently hanging from the ramp. The three signs are all on different block faces, and there are no other signs at the height of the proposed signs. The number and height of proposed projecting dynamic changeable copy are consistent with the B4-1 zoning district because they help direct drivers to a parking ramp.

Maximum size of a projecting sign: Staff believes that the proposed increase in sign size for the sign on 7th Street South would significantly increase sign clutter along the 7th Street south façade. The existing situation is already cluttered – there is a significant amount of signage for the existing uses. Increasing the size of signs in this location without removing some signage other signage will increase the clutter, and sign clutter is inconsistent with the purpose of all zoning districts.

Maximum projection of three projecting signs: Staff believes that increasing the projection of the three projecting signs would lead to sign clutter. As noted above, staff believes there is existing clutter on 7th street, and increasing the size and projection of a sign would lead to additional clutter. The projecting signs on 5th Avenue South and 8th Street South do not lead to clutter in and of themselves; however, increasing the projection is not consistent with the purpose of the B4-1 zoning 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.**

It is staff's opinion that the signs will relate to the function and character of the building. The signs will be internally illuminated, with a dynamic changeable copy sign surrounded by an arrow with the word "park" and the letter "P" on it to help guide automobile traffic to a given entrance, or in the case of the sign on 8th Street south, around the corner to the 5th Avenue South entrance. The proposed signs match the style of the building, and are made of painted metal and brushed stainless steel.

RECOMMENDATIONS

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

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The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance to allow three dynamic changeable copy signs on one zoning lot for the property located at 700 5th Avenue South in the B4-1 Downtown Business District, subject to the following conditions:

1. The applicant shall remove the existing freestanding sign in the right-of-way on 5th Avenue South
2. Sign permits shall be obtained for the Comfort Suites signs that were installed without a permit
3. All sign permits shall be obtained by a licensed sign contractor as required by section 543.90 of the Minneapolis zoning code.

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 Board of Adjustment adopt the above findings and **approve** the variance to increase the maximum height of three dynamic changeable copy signs for the property located at 700 5th Avenue South in the B4-1 Downtown Business District, subject to the following conditions:

1. All sign permits shall be obtained by a licensed sign contractor as required by section 543.90 of the Minneapolis zoning code.

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 Board of Adjustment adopt the above findings and **deny** the variance to increase the maximum size of a projecting sign for the property located at 700 5th Avenue South in the B4-1 Downtown Business 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 Board of Adjustment adopt the above findings and **deny** the variances to increase the maximum projection of three projecting signs for the property located at 700 5th Avenue South in the B4-1 Downtown Business District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Correspondence from neighborhood association and neighbor
- 3) Zoning map
- 4) Sign schematics
- 5) Site plan/floor plan
- 6) Building elevations
- 7) Photographs