

**Department of Community Planning and Economic Development - Planning Division Report**  
Variance  
BZZ-5400

**Date:** December 15, 2011

**Applicant:** Sign Minds

**Address of Property:** 2528 and 2548 Nicollet Avenue

**Project Name:** Vertical Endeavors Sign

**Contact Person:** Brent Baethke, (612) 767-6340

**Planning Staff:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** October 31, 2011

**End of 60-Day Decision Period:** December 30, 2011

**Ward:** 6      **Neighborhood Organization:** Whittier Alliance

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

**Zoning Plate Number:** 20

**Legal Description:** Not applicable

**Proposed Use:** Two new wall signs

**Concurrent Review:**

- Variance to increase the maximum area for a new wall sign, facing Nicollet Avenue.
- Variance to increase the maximum area for a new wall sign, along the south façade, facing an onsite parking lot.

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

**Background:** The subject property is one zoning lot with two parcels. The north parcel is the location of the Ice House and has three commercial tenant spaces. The parcel to the south has an existing storefront building and parking area. The subject property is approximately 51,724 square feet. The applicant is proposing to add two new wall signs on the north building, one facing east towards Nicollet Avenue and the other faces south towards the on-site parking lot. Both of these facades are primary building walls which allow for a maximum sign area calculated as one and one-half (1.5) square feet of signage for each

one (1) foot of primary building wall.

The length of the primary building wall facing east towards Nicollet Avenue is 134 feet. Therefore, the maximum sign area allowed for wall signs on this façade is 201 square feet. There are two existing signs that are proposed to remain on this wall, one is for the applicant seeking the variance, Vertical Endeavors, and the other is for Jasmine Deli. Both of these tenants have signs that are each 32 square feet. The remaining sign budget on this primary building wall is 137 square feet. The applicant is proposing to add a new, second wall sign for Vertical Endeavors that is approximately 148 square feet in area and exceeds the maximum area allowed. Therefore, the applicant has requested a variance to increase the maximum area of a wall sign, facing east towards Nicollet Avenue from 201 square feet to 212 square feet.

The length of the primary building wall facing south towards the on-site parking lot is 192 feet. Therefore, the maximum sign area allowed for wall signs on this façade is 285 square feet. There are no existing signs on this façade. The applicant is proposing to add a new, third wall sign for Vertical Endeavors that is approximately 306 square feet in area and exceeds the maximum area allowed. Therefore, the applicant has requested a variance to increase the maximum area of a wall sign, facing south towards the on-site parking lot from 285 square feet to 306 square feet.

As mentioned previously, the existing building is a multi-tenant commercial building with three separate tenant spaces. One of the tenant spaces is proposed to be filled in the near term. The zoning code allows for a minimum sign area guarantee of 30 square feet, notwithstanding the maximum size allocation for the entire primary building wall. The new commercial tenant has not proposed signage at this time. If these sign variances are approved, the new tenant will be allowed a maximum sign area of 30 square feet or would have to apply for an additional variance to increase the maximum sign area if a larger sign was proposed.

Staff has not received correspondence from the Whittier Alliance. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

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

**VARIANCES** to increase the maximum area for two new wall signs

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

**Nicollet Avenue (East) signage:** The circumstances of the sign area variance are not unique to the parcel and have been created by the applicant. The applicant states the increased area of the proposed signage is due to the need for increased visibility to advertise the business, which is setback approximately 123 feet from the street. Vertical Endeavors has an existing sign on the Nicollet Avenue façade and plans to have two signs on this wall. Staff recognizes the need for visibility and identification of the use, however, the area is pedestrian in nature. The applicant could remove the existing sign and have only the 148 square foot sign installed on the east wall. Further, the approval of a variance to allow for signage on this primary building wall will only allow for the future tenant to have a sign 30 square feet in area, without an additional variance.

Staff believes that wall signage that meets the maximum area requirements set forth in the zoning code will not create a practical difficulty.

**Parking Lot (South) signage:** The circumstances of the sign area variance are not unique to the parcel and have been created by the applicant. The applicant states the increased area of the proposed signage is due to the need for increased visibility to advertise the business, which is blocked from view by the structure to the south. In the C3A District, there is no limit to the maximum height allowed. As proposed the sign will be located 53 feet above grade. The applicants' tenant space only occupies 55 feet of the 192 foot long primary building wall and staff believes that the proposed sign will be out of scale with the building. Staff understands that the new commercial tenant will also be requesting a sign on the south façade of the building. Staff recognizes the need for visibility and identification of the use, however, the area is pedestrian in nature and a 53 foot tall sign that meets the maximum area should be sufficient to attract business. Further, the approval of a variance to allow for signage on this primary building wall will only allow for the future tenant to have a sign 30 square feet in area, without an additional variance. Staff believes that wall signage that meets the maximum area requirements set forth in the zoning code will not create a practical difficulty.

**2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

**Both variances:** The applicant is seeking a variance to increase the maximum area for two new walls signs. The regulations governing on-premise signs were 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 property and to protect the public health safety and welfare. In the C3A District, there is no limit to the maximum height for signage; however, there is a maximum area to minimize visual clutter and confusion. Staff recognizes the need for visibility and identification of the use, however, the applicant's request exceeds what is allowed for both primary building walls without consideration for the future commercial tenant. Further, staff believes that the proposed signage will diminish the pedestrian experience in the area by increasing visual clutter. In terms of scale, the primary building wall devoted solely to the applicant's tenant space measures 60 feet facing Nicollet Avenue and 92 feet facing the parking lot to the south. The scale of the proposed signage to the tenant's building wall on the Nicollet Avenue wall would be 2.5:1 and 3.3:1 for the south wall. Staff does not believe that the applicant is proposing to use the property in a reasonable manner consistent with the zoning code or comprehensive plan.

**3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

**Both variances:** The proposed signage may alter the essential character and be injurious to the use or enjoyment of property in the vicinity. Staff believes that the proposed signage will diminish the pedestrian experience in the area by increasing visual clutter. Granting of the sign variances would not likely be detrimental to health, safety or welfare of the general public.

**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.**

**Both variances:** The applicant is seeking a variance to increase the maximum area for two new walls signs. The regulations governing on-premise signs were 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 property and to protect the public health safety and welfare. In the C3A District, there is no limit to the maximum height for signage; however, there is a maximum area to minimize visual clutter and confusion. Staff recognizes the need for visibility and identification of the use, however, the applicant's request exceeds what is allowed for both primary building walls without consideration for the future commercial tenant. Further, staff believes that the proposed signage will diminish the pedestrian experience in the area by increasing visual clutter. Staff believes that the proposed signage would be in keeping with the purpose of the zoning district and will be less likely to lead to sign clutter if it is kept within the maximum area allowed.

- 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.**

**Both variances:** It is staff's opinion that the signs will relate in shape, material, color, illumination of the building and existing signage on the property. The sign will be professionally installed with quality materials. The signage is single-sided illuminated channel letters on painted brushed aluminum. However, the proposed sign will be out of character with the size and scale of the existing building. The primary building wall devoted solely to the applicant's tenant space measures 60 feet facing Nicollet Avenue and 92 feet facing the parking lot to the south. The scale of the proposed signage to the tenant's building wall on the Nicollet Avenue wall would be 2.5:1 and 3.3:1 for the south wall.

**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 area for signage facing east towards Nicollet Avenue from 201 square feet to 212 square feet to allow for a new 148 square foot wall sign for the property located at 2528-2548 Nicollet Avenue in the C3A Community Activity Center District and PO Pedestrian Oriented Overlay 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 area for signage facing south towards the on-site parking lot from 285 square feet to 306 square feet to

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allow for a new 306 square foot wall sign for the property located at 2528-2548 Nicollet Avenue in the C3A Community Activity Center District and PO Pedestrian Oriented Overlay District.

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of letters sent to Whittier Alliance and CM Lilligren
- 3) Zoning map
- 4) Site plan
- 5) Sign plans
- 6) Photographs