

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5440

Date: January 19, 2012

Applicant: Hennepin Avenue United Methodist Church

Address of Property: 511 Groveland Avenue

Project Name: Hennepin Avenue United Methodist Church Sign

Contact Person and Phone: Pat Scott, (612) 374-1173

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: December 6, 2011

End of 60-Day Decision Period: February 4, 2012

Ward: 7 Neighborhood Organization: Citizens for a Loring Park Community (CLPC)

Existing Zoning: OR3 Institutional Office Residence District, DP Downtown Parking Overlay District and SH Shoreland Overlay District

Proposed Use: Dynamic sign

Concurrent Review: Variance to allow text and images on an existing dynamic sign to scroll or be animated and to change more than once a day.

Applicable zoning code provisions: Chapter 525, Article IX Variances, 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: Hennepin Avenue United Methodist Church (HAUMC), located at 511 Groveland Avenue, is requesting a variance to allow text and images on an existing dynamic sign to change more than once a day. Sign imagery and displays will contain no movement. The subject freestanding sign is located adjacent to Lyndale Avenue. It is nine feet tall. In 2008, a number of variances regarding signs (BZZ-4234) were obtained. These variances included the following approvals and conditions (emphasis added):

1. Adopt staff recommendation and **approve** a variance to increase the maximum number of freestanding signs along Groveland Avenue from one to two
2. **Approve**, notwithstanding staff recommendation, a variance to increase the height of a freestanding sign from 8 feet to 9 feet to allow for a new freestanding sign along Lyndale Avenue
3. Adopt staff recommendation and **approve** a variance to increase the area of a new freestanding sign from 32 square feet to 64 square feet to allow for a new freestanding sign along Lyndale Avenue

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To allow for three new freestanding signs at 511 Groveland Avenue in the OR3 Institutional Office Residence District, DP Downtown Parking Overlay District and the SH Shoreland Overlay District with the following conditions of approval:

1. The applicant shall submit a master plan for all auxiliary signage on the site that reflects a reduction in auxiliary signage on the site. All auxiliary signs shall comply with the height requirement of four (4) feet.
2. The proposed LED panel in the sign on Lyndale Avenue shall not exceed 35 square feet in area.
3. The proposed LED panel shall not operate as a flashing sign. The sign copy and graphics shall not scroll or be animated and shall only be changed once a day.

At the time the variances were approved, the zoning code prohibited flashing signs. Since then, the zoning code has been amended in an effort to further define electronic signs. This includes the definition of two additional sign types:

Changeable copy sign, dynamic. A sign or portion thereof with letters or numbers only that can be electronically changed or rearranged without altering the face or the surface of the sign.

Dynamic sign. 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.

Because the sign was approved before the current ordinance took effect, the zoning administrator has determined that the existing sign is now considered a dynamic sign. The conditions attached to the variance approvals allowed “copy and graphics” but stated that they “shall not scroll or be animated and shall only be changed once a day.” Because a *Changeable copy sign, dynamic* is limited to only letters and numbers, the approval conditions were determined to have granted a “deemed variance” to have allowed for a *Dynamic sign* under the current ordinance, subject to the condition that the images “shall not scroll or be animated and shall only be changed once a day.” To allow the sign to change at a rate of more than once a day, a variance is required to amend the “deemed” variance.

Please note that after the public hearing notices were sent, the applicant provided clarification that the variance is only requested to allow the text and images to change more than once a day and not to allow the sign to scroll or be animated. No movement in the sign is proposed other than to transition from one message or image to the next. Because the condition of approval included limitations on both the rate the text/images change and special effects and the applicant is requesting to amend said condition, both are included in the findings below.

The following regulations currently apply to the duration of messages and special effects for dynamic signs:

543.340. Dynamic signs.

(f) *Duration of message.* The sign message shall remain static for a period of not less than sixty (60) seconds. The transition from one (1) message to the next shall be direct and immediate, without any special effects.

(g) *Image characteristics and transition.* Dynamic signs shall have a pitch of not greater than twenty (20) millimeters between each pixel. Special effects, including but not limited to dissolving, fading, scrolling, starbursts and wiping shall be prohibited.

Minutes from the November 14, 2011 CLPC meeting are attached to this report. Staff will forward additional comments, if any are received, at the Board of Adjustment meeting.

VARIANCE: to allow text and images on an existing dynamic sign to scroll or be animated and to change more than once a day.

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

- 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.**

At the time the sign was approved, the zoning code prohibited flashing signs. Conditions limiting special effects and the duration of the message were placed on the approval of the sign to prevent the creation of a flashing sign. The ordinance currently allows dynamic signs to change messages every 60 seconds, but does not allow special effects, including but not limited to dissolving, fading, scrolling, starbursts and wiping. Practical difficulties do not exist due to the sign not being allowed to change more than once every 60 seconds or not allowing special effects. The applicant is not proposing to use special effects.

- 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.**

Allowing the sign to operate as currently allowed by the ordinance would be reasonable. Regulations governing on-premise signs 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 property, and to protect the public health, safety and welfare. The OR3 district is established to provide a mixed use environment of very high density dwellings, large office uses, and major institutions, with additional small scale retail sales and services uses designed to serve the immediate surroundings. This district may serve freestanding institutions and employment centers or as a transition between downtown and surrounding moderate to low density residential neighborhoods. Comprehensive plan policies are also aligned with the purpose of these regulations. Granting the variance would be in keeping with the spirit and intent of the ordinance and comprehensive plan if the sign message stays static for at least 60 seconds and special effects, including but not limited to dissolving, fading, scrolling, starbursts and wiping, are not used. The applicant is not proposing to use special effects.

- 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.**

The sign is located next to Lyndale Avenue where the street converges with Hennepin Avenue and exits onto I-94 and accommodates heavy volumes of traffic. A bike path and sidewalk also run adjacent to the site. The nearest residence, located at 510 Groveland Avenue, is approximately 200 feet from the sign. Allowing the sign to operate as currently allowed by the ordinance would have little effect on the surrounding area. Allowing special effects or allowing the frequency of changing

messages to occur more than once every 60 seconds could become a traffic hazard and would therefore likely be detrimental to the health, safety, or welfare of the general public. The applicant is not proposing to use special effects.

Additional Findings Required by the Minneapolis Zoning Code for a Sign Variance:

- 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 OR3 district is established to provide a mixed use environment of very high density dwellings, large office uses, and major institutions, with additional small scale retail sales and services uses designed to serve the immediate surroundings. This district may serve freestanding institutions and employment centers or as a transition between downtown and surrounding moderate to low density residential neighborhoods. Allowing the sign to operate as currently allowed by the ordinance would not significantly increase or lead to sign clutter in the area. Allowing special effects or allowing the frequency of changing messages to occur more than once every 60 seconds would be inconsistent with the purpose of the zoning district. The applicant is not proposing to use special effects.

- 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 sign structure is faced in limestone to match the church building. The scale of the sign is compatible with the building as well. The top, non-changing part of the sign is internally illuminated. Granting the variance would only affect the LED screen. Allowing an increase in the frequency of the changing messages to not less than every 60 seconds will allow the church the ability to provide adequate additional information relating to the principal use of the site.

RECOMMENDATION

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

The Department of Community Planning and Economic Development – Planning Division recommends that the Zoning Board of Adjustment adopt the above findings and **approve** the variance to allow text and images on an existing dynamic sign to scroll or be animated and to change more than once a day located at the property of 511 Groveland Avenue, subject to the following condition:

1. The sign shall comply with the duration of messages and special effects provisions for dynamic signs as required by section 543.340 of the zoning code.

Attachments:

1. Applicant statement of proposed use and findings
2. CLPC Meeting Minutes and correspondence
3. Zoning map
4. Site plans
5. Photos