

Department of Community Planning and Economic Development
Variances
BZZ 6061

Date: June 6, 2013

Applicant: The Ackerberg Group

Address of Property: 3033 Excelsior Boulevard

Contact Person and Phone: Thatcher Imboden, (612)

CPED Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: May 13, 2013

End of 60-Day Decision Period: July 12, 2013

Ward: 13 **Neighborhood Organization:** West Calhoun Neighborhood Council, adjacent to Cedar-Isles Dean Neighborhood Association

Existing Zoning: OR2 High-Density Office Residence District

Existing Overlay District: SH Shoreland Overlay District

Zoning Plate Number: 23

Proposed Use: New freestanding sign

Concurrent Review:

- Variance to increase the maximum height of a freestanding sign from 8 feet to approximately 20 feet.
- Variance to increase the maximum area of a freestanding sign from 32 square feet to approximately 208 square feet.
- Variance of the permitted sign type to allow for a freestanding sign that is not a monument sign.

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

Background: The subject property is approximately 7 acres in area and is located at the intersection of Excelsior Boulevard, Lake Street West and West Lake Calhoun Parkway. The existing land use is an office building with three tenants. A portion of the parking area utilized by the existing office building is owned by the Minneapolis Park and Recreation Board and has frontage along Excelsior Boulevard and West Calhoun Boulevard. There is an existing monument sign at the northeast end of the property, near the intersection of Excelsior Boulevard and Lake Street West. The existing monument sign

identifies “Coldwell Banker Burnet”. There is one existing wall sign above the first floor sign copy “Lake Calhoun Executive Center”. The applicant is proposing to replace the existing monument sign with a new freestanding sign in the same location, approximately 10 feet from the public sidewalk. The proposed freestanding sign was designed to incorporate the shape of a wind surfer’s sail into the sign to emulate the wind surfer sails art installation on the roof of the building. The sign measures 20 feet in height and 208 square feet in area. The subject property is zoned OR2 High-Density Office Residence District and the maximum height of a freestanding sign cannot exceed 8 feet and the maximum area cannot exceed 32 square feet. Additionally, the proposed sign does not meet the definition of a monument sign per section 520.160 Definitions in the zoning code:

Monument sign. A freestanding sign with its sign face mounted on the ground, on a solid base at least as wide as the sign, or on one (1) or more poles or beams with not more than one (1) foot of open area between the sign face and the ground or base.

Therefore, the applicant has requested three variances to allow for the proposed sign; (1) to increase the maximum height of a freestanding sign; (2) to increase the maximum area of the proposed freestanding sign; (3) to allow for freestanding sign type that is not a monument sign.

Staff has received correspondence from the West Calhoun Neighborhood Council who voted to not oppose the application for three variances for a free-standing sign on the property of the Lake Calhoun Center. Staff will forward additional comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCES: (1) to increase the maximum height of a freestanding sign from 8 feet to approximately 20 feet; (2) to increase the maximum area of a freestanding sign from 32 square feet to approximately 208 square feet; (3) to allow for a freestanding sign type that is not a monument sign.

- 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.**

All variances: The circumstances of the height, area and type sign variances are not unique to the parcel and have been created by the applicant. The applicant has stated there are three unique features of the property that create practical difficulty; the structure was constructed in 1955 with a substantial setback from the street, the scale of the area is influenced by the location on two wide streets with higher traffic and the building is located at the Y-shaped intersection of Excelsior Boulevard and Lake Street West, which leads to confusion about the office building’s location. The applicant has designed a sign to incorporate the shape of a wind surfer’s sail into the sign to emulate the wind surfer sails art installation on the roof of the building. Staff finds that that property does not have visibility issues for motorists, pedestrians or bicyclists and that a monument sign within the maximum height and area would allow for effective identification for the building and the tenants.

- 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.**

All variances: The applicant is seeking variances to increase the maximum permitted height from 8 feet to 20 feet and area from 32 square feet to 208 square feet for a proposed freestanding sign. In addition, the proposed sign does not meet the definition of a monument sign, therefore; the applicant is seeking a third variance to allow for the sign type. The applicant states that the subject property is located within a major retail center; however, the subject property is adjacent to that particular land use feature. The Minneapolis Plan for Sustainable Growth defines a Major Retail Centers as unique locations that can accommodate large-scale retail uses. These locations are characterized by their immediate and easy connections to regional road networks. Although these sites may be more oriented to the automobile, they can be designed for pedestrians and other modes of transportation to increase their compatibility with urban form and character. The zoning code 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. Staff finds that the proposed sign is inconsistent with the pedestrian scale and staff finds that a monument sign that meets the required height, area and type would allow for effective site identification.

- 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.**

All variances: The proposed signage may alter the essential character and be injurious to the use or enjoyment of property in the vicinity. Staff finds that the proposed freestanding sign, 20 feet in height and 208 square feet in area will be inconsistent with the pedestrian scale and staff finds that a monument sign that meets the required height, area and type would allow for effective site identification. Granting the sign variances would not likely be detrimental to health, safety or welfare of the general public. The proposed sign would be internally illuminated and not have any flashing components or project light onto adjacent property or public walkways or streets.

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.**

All variances: The applicant is proposing to replace the existing monument sign with a new freestanding sign in the same location, approximately 10 feet from the public sidewalk. The proposed freestanding sign was designed to incorporate the shape of a wind surfer's sail into the sign to emulate the wind surfer sails art installation on the roof of the building. The sign measures 20 feet in height and 208 square feet in area. The subject property is zoned OR2 High-

Density Office Residence District and the maximum height of a freestanding sign cannot exceed 8 feet and the maximum area cannot exceed 32 square feet. Additionally, the proposed sign does not meet the definition of a monument sign per section 520.160 in the zoning code. The zoning code 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. The subject property is zoned OR2 High-Density Office Residence District and the land use is an office building. The applicant has stated they prefer the proposed freestanding sign over a wall sign to keep the façade as “clean” as possible because of the nature of the curtain wall system. However, there is an existing wall sign above the front entrance facing Excelsior Boulevard. Staff finds that the proposed sign is inconsistent with the pedestrian scale and staff finds that a monument sign that meets the required height, area and type would allow for effective site identification.

- 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.**

All variances: It is staff’s opinion that the signs will relate in shape, material, color, illumination and character of the building on the property; however, the proposed sign will be out of scale at the pedestrian level. The signs will be professionally installed with quality materials. The building is composed of a glass curtain wall with a greenish-blue reflective glass. A wind surfer art installation is located on the roof of the building. The wind surfer shape is reflected in the proposed sign. The sign would be metal and would be internally illuminated and have a blue halo effect, consistent with the color of the curtain wall of the building.

Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:

- 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

Staff is recommending that the applicant use best management practices during and after the sign construction to help prevent soil erosion. There are no existing steep slopes on or near the subject property. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Lake Calhoun.

- 2. Limiting the visibility of structures and other development from protected waters.**

The proposed 20 foot-tall, 208 square foot sign may be visible from Lake Calhoun, but would be consistent with the existing wind surfer art installation at the top of the building, which is also visible from the lake.

- 3. The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.**

The subject site does not have direct access to Lake Calhoun. The proposed project will not require the accommodation of any watercraft of any type on the lake.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **deny** the variance to increase the maximum height of a freestanding sign from 8 feet to approximately 20 feet to allow for a new freestanding sign accessory to an existing office building located at 3033 Excelsior Boulevard in the OR2 High Density Office Residence District.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **deny** the variance to increase the maximum area of a freestanding sign from 32 square feet to approximately 208 square feet to allow for a new freestanding sign accessory to an existing office building located at 3033 Excelsior Boulevard in the OR2 High Density Office Residence District.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **deny** the variance of the permitted sign type to allow for a freestanding sign that is not a monument sign to allow for a new freestanding sign accessory to an existing office building located at 3033 Excelsior Boulevard in the OR2 High Density Office Residence District.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. Letters to Council Member Hodges and neighborhood associations
3. Correspondence
4. Zoning map
5. Site Plan
6. Sign plan
7. Photos