

**THE NIC ON FIFTH™  
VARIANCE APPLICATION FOR SIGN HEIGHT**

**MAY 12, 2014**

PROPOSED USE AND PROJECT DESCRIPTION

The Nic on Fifth™ is a mixed-use, transit-oriented development with 253 apartment units that is currently under construction on 5<sup>th</sup> Street between Nicollet Mall and Marquette Avenue, adjacent to the 5<sup>th</sup> Street LRT station. It is the first high-rise luxury apartment development in downtown Minneapolis in nearly three decades, and embodies developer Opus' commitment to making downtown a desirable destination for commerce, residents and visitors. The Nic on Fifth™ project is leading the revitalization of the north end of Nicollet Mall and helping to shape Minneapolis' central business district as the city looks to expand the downtown population to 70,000 by 2025.

The building will have two levels of retail on the street and skyway levels. The residential lobby is located at the corner of Nicollet Mall and 5<sup>th</sup> Street and a two-level lobby providing access to the skyway system is adjacent to the LRT station platform on 5<sup>th</sup> Street. The first two floors of the street-facing facades are almost entirely glass to further engage with the public realm. The parking garage is located behind the first two floors' active use areas and in another three floors that form the 5-story building podium. The 21-story residential tower rises above the podium on the Nicollet side of the site. This development creates a hub of interconnectivity between transit, skyways, and the pedestrian realm and provides significant streetscape and greening amenities. The public realm areas and how the building engages with them were designed with significant input from the Planning Commission and Downtown community.

The Nic on Fifth™ building and residence identification signs feature a black emblem with a raised white 'N' in the center. Three 'The Nic on Fifth™' signs are planned, only one of which requires a variance for increased height. Building identification signage also includes the future '465' Nicollet Mall street address for the residences. Signage area for the future retail tenants is provided on a sign band between the first and second floors, which complies with the code height limit of 28 feet.

The signature Nic on Fifth™ identification sign is proposed to be installed on the 5<sup>th</sup> Street façade toward Nicollet Mall. It is 118 square feet in area and would be 44 feet, 10 inches above grade measured to the top of the sign. The height limit for wall signs in the downtown is 28 feet. Because this part of the building is located in the Nicollet Mall Overlay District, a variance is required for increased height instead of the conditional use permit process that generally applies to increase the height of building logo sign on taller buildings.

## VARIANCE OF NM OVERLAY SIGN HEIGHT STANDARD REQUIRED FINDINGS

The Nic on Fifth™ emblem sign meets the following required findings for a height 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.*

The glass facades of the first two floors create practical difficulties in complying with the 28-foot height limit. The 5<sup>th</sup> Street emblem sign is the principal identification sign for the building and its 118 square foot size is suitable for that purpose, particularly on a 26-story building. The code, which allows signs up to 120 square feet in area, recognizes that signs of this size are appropriate in downtown. However, the size requires that it be attached to masonry façade, which does not begin until the third floor. The full glass facades of the lower floors were designed to promote the City's downtown urban design policies promoting engagement, activity and visual connection between the building and the street and skyway levels of the pedestrian realm, including the LRT station. The proposed height also mitigates the interference of the LRT station structure, cables and trains with visibility of the sign from the sidewalk. These are unique circumstances not created by the property owner.

- 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.*

The project incorporates exceptional pedestrian-oriented design features and strong presence and connectivity to Nicollet Mall, which is consistent with the purpose of the NM Overlay District to “preserve and encourage the pedestrian character of the Nicollet Mall area and to promote street level activity by creating a pleasant and unique pedestrian environment.” Placement of the iconic The Nic on Fifth™ emblem sign in the proposed location works in concert with the building design to engage the pedestrian realm and serve a ‘placemaking’ function for this important intersection of Nicollet Mall and the LRT line.

The Nic on Fifth™ project is consistent with goals of the *Minneapolis Plan for Sustainable Growth* that encourage high to very high density housing development in the Downtown Growth Center and on Commercial Corridors like Nicollet Mall. The project site is also within the area studied in the *Downtown East/North Loop Master Plan* which similarly encourages high-intensity residential use along the “5<sup>th</sup> Street Spine.” The requested variance promotes these goals by prominently identifying the residential use and its physical and community relationship to Nicollet Mall.

The comprehensive plan includes the following guidance specifically related to signs most relevant to this variance request:

Sign design needs to balance the desire to convey information with a need to maintain visual aesthetics so that signage is not intrusive. The scale of signage should be geared towards the pedestrian and less to the automobile. Unique signage that incorporates unusual materials or designs is encouraged.

Policy 10.20: Promote an attractive environment by minimizing visual clutter and confusion caused by a proliferation of signage.

Policy 10.21: Unique areas and neighborhoods within the city should have a special set of sign standards to allow for effective signage appropriate to the planned character of each area/neighborhood.

10.21.1 Supporting the regional draw of Downtown entertainment areas, larger scale signage shall be allowed in appropriate places (such as the Hennepin Avenue Downtown Entertainment Area and Nicollet Mall Overlay District).

10.21.2 To promote street life and activity, signs should be located and sized to be viewed by people on foot (not vehicles) in order to preserve and encourage the pedestrian character of commercial areas that have traditional urban form.

Larger scale signage is appropriate in the NM Overlay District. In this case, the increased height is also appropriate because it remains oriented toward the pedestrian realm. The design of the sign is unique, unfussy, sophisticated and striking. Its proposed location on the façade of the building podium is an attractive visual accent and it is proportional to the large size of the building. The sign will not cause visual clutter.

- 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 granting of the variance will not alter the essential character of the area, be injurious to the use or enjoyment of other properties, or be detrimental to the public welfare. The emblem sign will be primarily visible from commercial properties across 5<sup>th</sup> and from the street. It will be permanently mounted to the façade. It will be illuminated with halo LED lighting around the perimeter of the sign elements. The illumination will not be intrusive.

## **SIGN ADJUSTMENT CRITERIA**

- (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 icon emblem sign is the only sign proposed above the sign band between the first and second floors. Other building and tenant signage will be organized along the sign band or as window signage permitted by the code. The proposed sign adjustment to allow increased height for this sign will not lead to sign clutter. As discussed above, the proposed sign and sign location are consistent with the goals for the Downtown area and the purpose of the Nicollet Mall Overlay 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.*

The size, shape and height of the proposed sign are in scale with the building. The sign will be constructed of aluminum with LED halo illumination. The materials and design were carefully chosen to complement the high-quality architecture of The Nic on Fifth™.

May 12, 2014

Christie Rock  
DMNA Neighborhood Coordinator  
40 S. 7th Street  
Suite 212, PMB 172  
Minneapolis, MN 55402

**Re: Application for Sign Height Variance for The Nic on Fifth™**

Dear Christie:

On behalf of Opus Development Company, L.L.C. and Nicollet Residences LLC, I am writing to notify you that we are submitting an application for a variance to increase the height of a sign on The Nic on Fifth™ building currently under construction in Downtown Minneapolis. The project site is located at 415, 423, 427 Nicollet Mall and 426 Marquette Avenue.

The variance is to allow one of the building signs to exceed the general height limit of 28 feet. The proposed height of the wall sign would be 44 feet, 10 inches, measured to the top of the sign. Illustrations of the proposed sign and sign location are attached, along with the written description and reasons for the request we are submitting to the Planning Division.

We anticipate that these applications will be presented to the Board of Zoning Adjustment at its June 5<sup>th</sup> meeting. We appreciate the support that DMNA has given to the project and are happy to report that construction is going well. Please let me know if you have any questions or would like any further information. My contact information is below. Thank you.

Best Regards,



David J. Menke, President  
Opus Development Company, L.L.C.  
Nicollet Residences LLC  
10350 Bren Road West  
Minnetonka, MN 55343  
(952) 656-4565, [Dave.Menke@opus-group.com](mailto:Dave.Menke@opus-group.com)

May 12, 2014

Council Member Jacob Frey  
City Hall, Room 307  
350 South 5<sup>th</sup> Street  
Minneapolis, MN 55415-1316

**Re: Application for Sign Height Variance for The Nic on Fifth™**

Dear Council Member Frey:

On behalf of Opus Development Company, L.L.C. and Nicollet Residences LLC, I am writing to notify you that we are submitting an application for a variance to increase the height of a sign on The Nic on Fifth™ building currently under construction in Downtown Minneapolis. The project site is located at 415, 423, 427 Nicollet Mall and 426 Marquette Avenue.

The variance is to allow one of the building signs to exceed the general height limit of 28 feet. The proposed height of the wall sign would be 44 feet, 10 inches, measured to the top of the sign. Illustrations of the proposed sign and sign location are attached, along with the written description and reasons for the request we are submitting to the Planning Division.

We anticipate that these applications will be presented to the Board of Zoning Adjustment at its June 5<sup>th</sup> meeting. We appreciate the support that City has given to the project and are happy to report that construction is going well. Please let me know if you have any questions or would like any further information. My contact information is below. Thank you.

Best Regards,



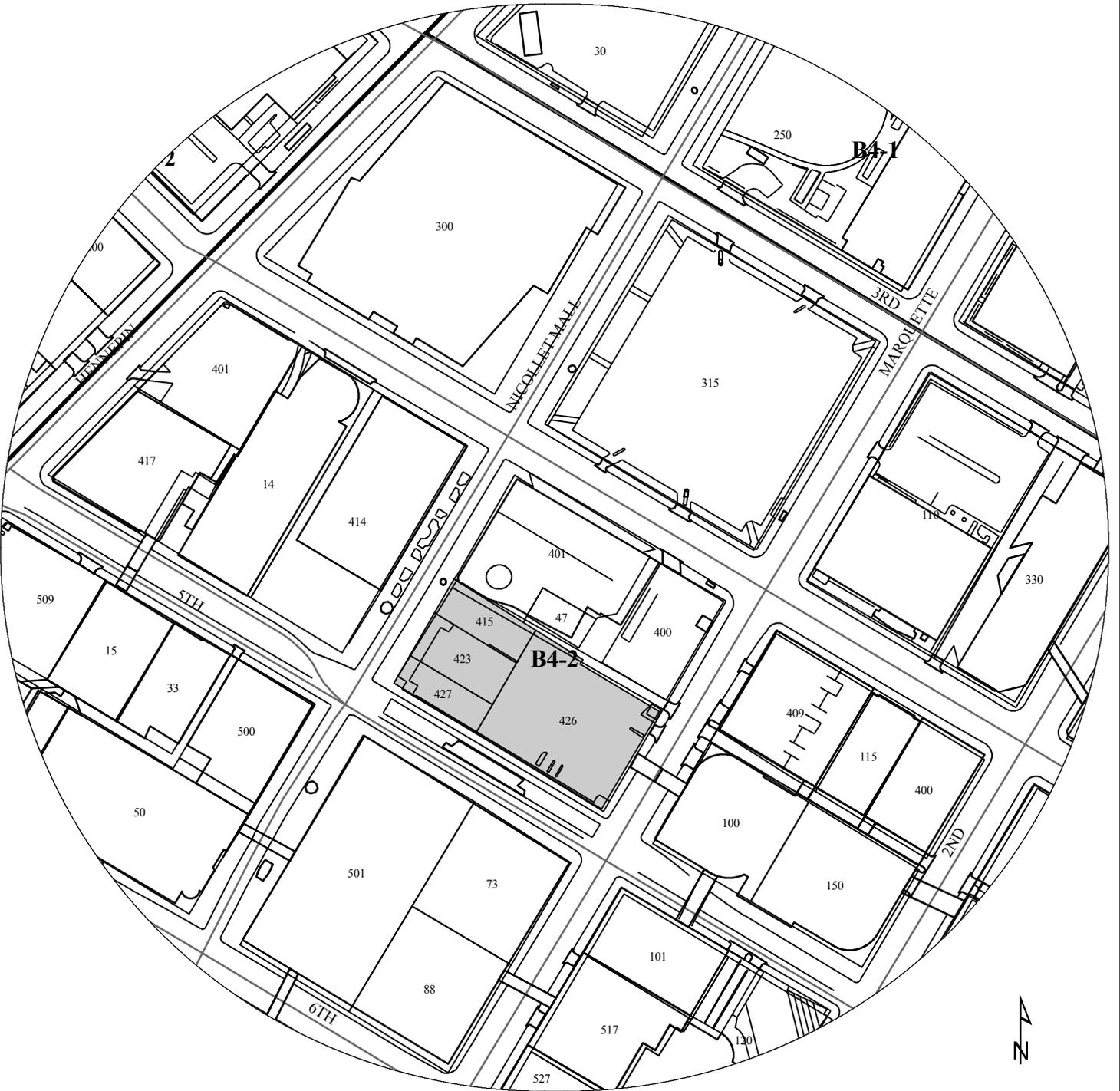
David J. Menke, President  
Opus Development Company, L.L.C.  
Nicollet Residences LLC  
10350 Bren Road West  
Minnetonka, MN 55343  
(952) 656-4565, [Dave.Menke@opus-group.com](mailto:Dave.Menke@opus-group.com)

**Carol Lansing**

**3rd**

NAME OF APPLICANT

WARD



200 100 0 200 400

PROPERTY ADDRESS  
**415 Nicollet Mall**

FILE NUMBER  
**BZZ-6564**

Project:  
**Nic on 5th**  
Minneapolis, MN

Designer: CH  
Job Number: 52908  
Date: 04.29.14  
Rev. 1: 05.06.14  
Rev. 2:  
Rev. 3:  
Rev. 4:  
Rev. 5:



① South Elevation

Scale: 1/16"=1'-0"



**archetype**

9635 Girard Ave S.  
Minneapolis, Minnesota 55431

952 641 9600

[archetypesign.com](http://archetypesign.com)

Contact:  
**Jenny Kruse**  
952 641 9602  
[jennyk@archetypesign.com](mailto:jennyk@archetypesign.com)

This print is meant as a representation of a sign show  
in consideration of being manufactured by Archetype.  
Materials may influence final result. Samples available  
upon request. Graphic Design time is included in the  
total purchase price. Designs contained herein are not  
meant to be exhibited to others outside of included  
parties and employees. Designs received from  
Archetype may not be manufactured by others without  
reimbursement for time spent in the creation of these  
designs or any resemblance. Drawings may contain  
elements considered artistic intellectual property of  
Steve Carpenter, owner. ©Archetype

Approved: \_\_\_\_\_

Type:  
Description:  
Halo Illuminated  
Wall Icon

Project:  
**Nic on 5th**  
 Minneapolis, MN

Designer: **CH**  
 Job Number: **52908**  
 Date: **04.29.14**  
 Rev. 1: **05.06.14**  
 Rev. 2:  
 Rev. 3:  
 Rev. 4:  
 Rev. 5:

**Halo Illuminated Wall Icon**

- (A) Shield Icon**  
 6" DEEP SHIELD PAINTED MP71962 SATIN  
 (MATCH BEN-MOORE INT RM. BLACK)  
 MATTE CLEAR COAT ON FACE AND RETURNS
- (B) N - Icon**  
 3" DEEP FABRICATED REVERSE CHANNEL LETTER  
 PAINTED WHITE W/ WHITE HALO ILLUMINATION
- (C) Secondary Copy**  
 MATTE WHITE VINYL

**Install**  
 ANCHOR SHIELD TO WALL W/ ANGLE CLIPS  
 TO PRE-CAST CONCRETE WALL

**Illumination**  
 80' VL-PLUS WHITE LED  
 (2) MODW-60 DRIVER  
 2A @ 120V  
 FINAL ELECTRICAL SUPPLY AND CONNECTION  
 BY OTHERS

**Code Review:**  
 MAX ALLOWABLE SIGN AREA: 120 SQ. FT.  
 THIS DISPLAY: 117.922  
 MOUNTING HEIGHT TO BE LESS THAN 28 FT.  
 THIS DISPLAY: 34 FT.  
 LETTERING AND EMBLEM ARE HALO-ILLUMINATED

**Construction Description**  
 6" EMBLEM CONSTRUCTED FROM ALUMINUM  
 AND PAINTED BLACK. EMBLEM HAS WHITE  
 LED HALO ILLUMINATION AROUND THE PERIMETER  
 "EST 2014" AND "ON 5TH" ARE NON-ILLUMINATED  
 WHITE OPAQUE VINYL APPLIED TO FACE OF THE  
 EMBLEM. EMBLEM IS SPACED OFF OF WALL 1.5".  
 3" DEEP "N" LETTER CONSTRUCTED FROM  
 ALUMINUM AND PAINTED WHITE. LETTER HAS  
 WHITE LED HALO ILLUMINATION AROUND  
 PERIMETER. LETTER IS SPACED OFF OF EMBLEM  
 1.5".



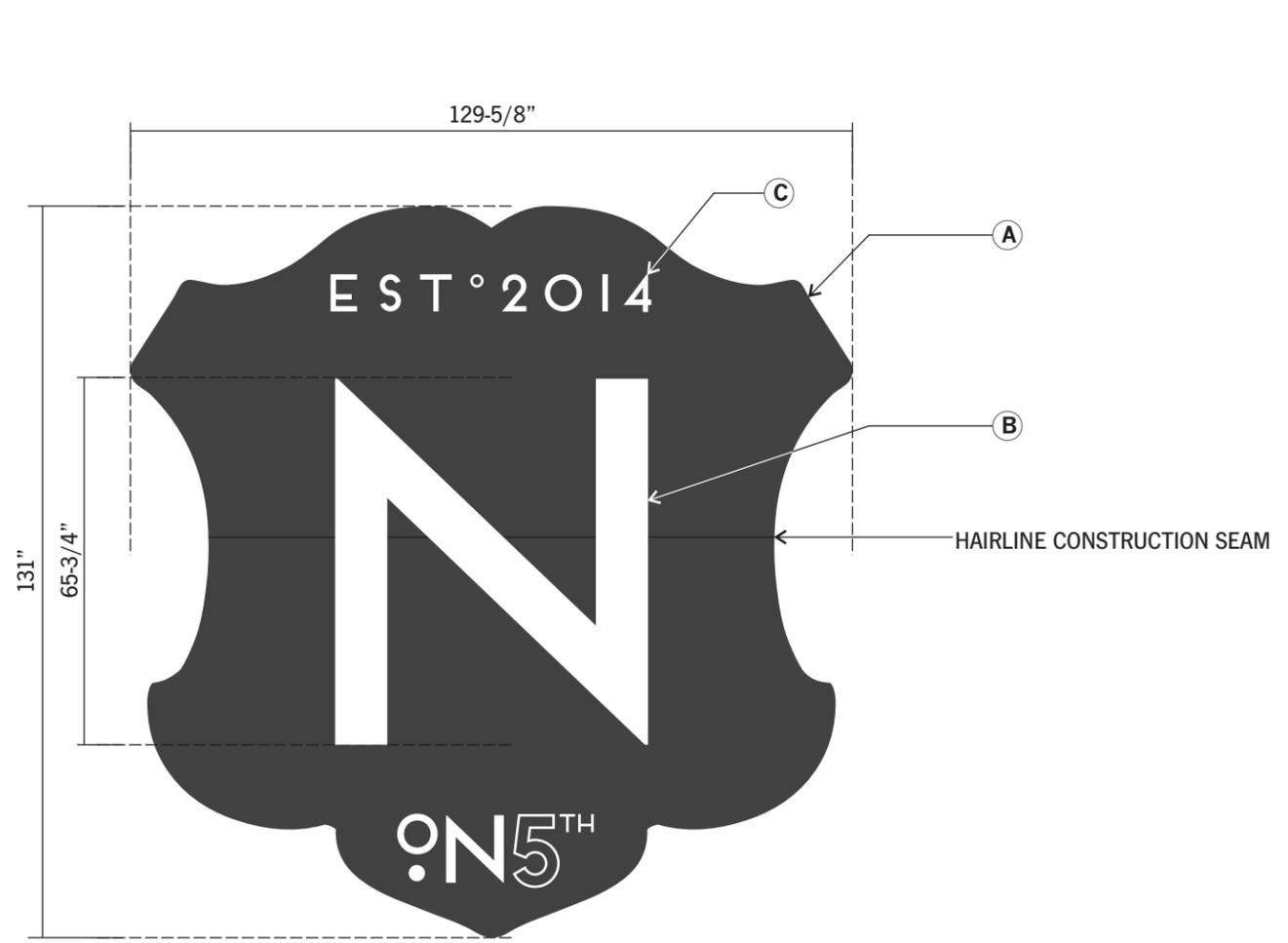
9635 Girard Ave S.  
 Minneapolis, Minnesota 55431  
 952 641 9600  
[archetypesign.com](http://archetypesign.com)

Contact:  
**Jenny Kruse**  
 952 641 9602  
[jennyk@archetypesign.com](mailto:jennyk@archetypesign.com)

This print is meant as a representation of a sign show  
 in consideration of being manufactured by Archetype.  
 Materials may influence final result. Samples available  
 upon request. Graphic Design time is included in the  
 total purchase price. Designs contained herein are not  
 meant to be exhibited to others outside of included  
 parties and employees. Designs received from  
 Archetype may not be manufactured by others without  
 reimbursement for time spent in the creation of these  
 designs or any resemblance. Drawings may contain  
 elements considered artistic intellectual property of  
 Steve Carpenter, owner. ©Archetype

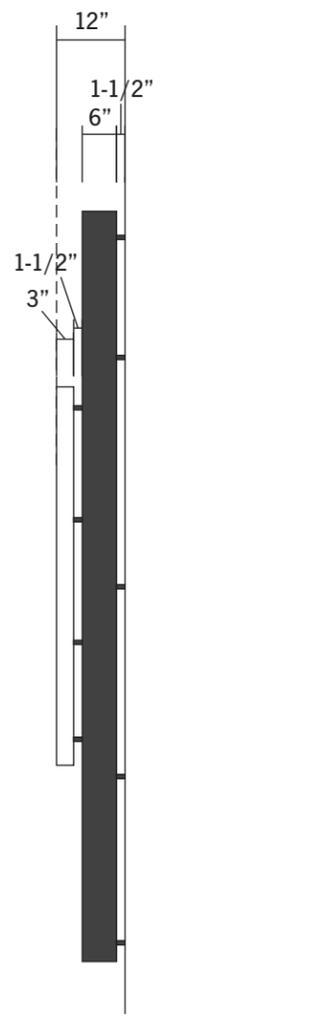
Approved: \_\_\_\_\_

Type:  
 Description:  
 Halo Illuminated  
 Wall Icon



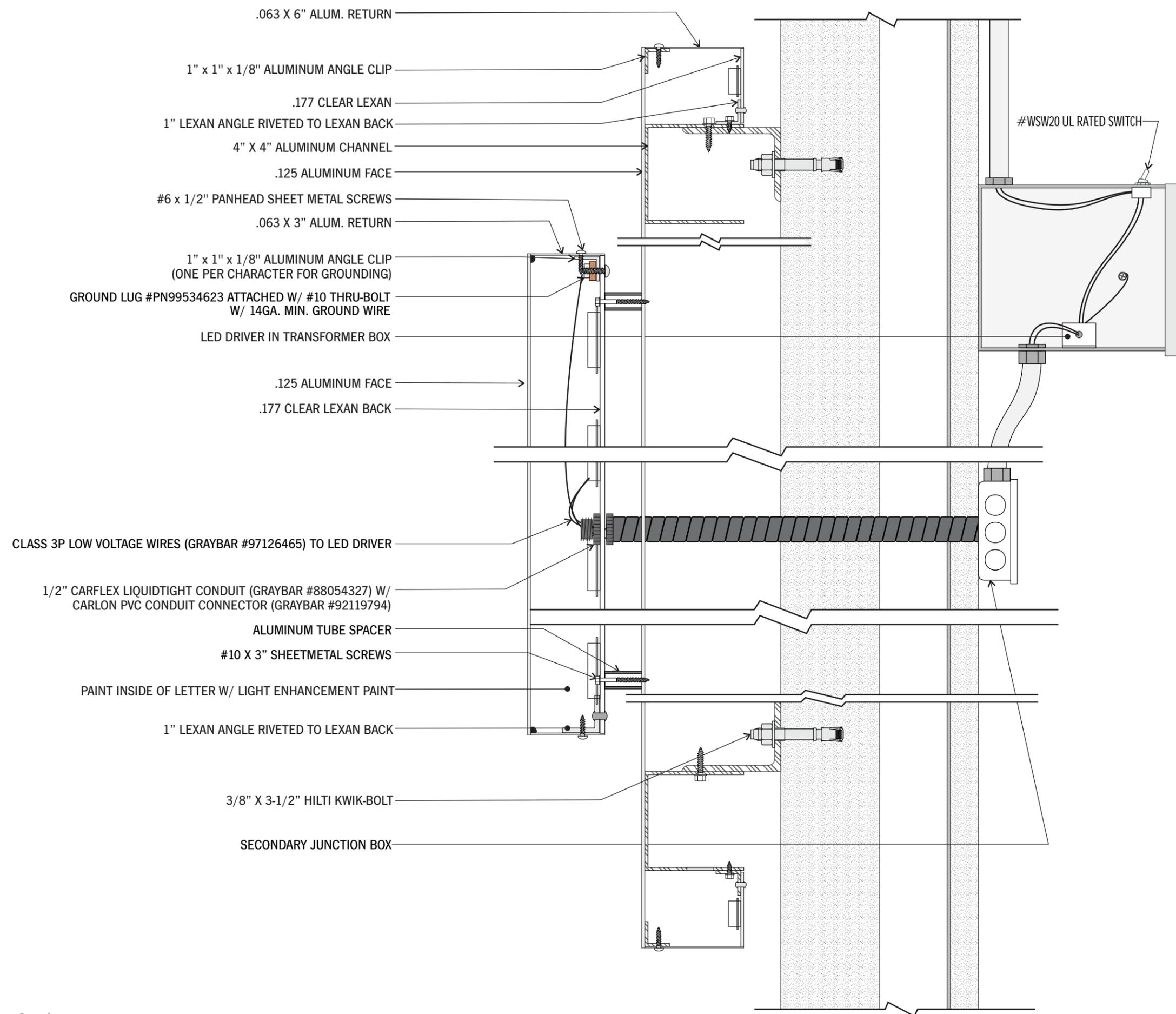
**1 Elevation**

Scale: 3/8"=1'-0"



**2 Side View**

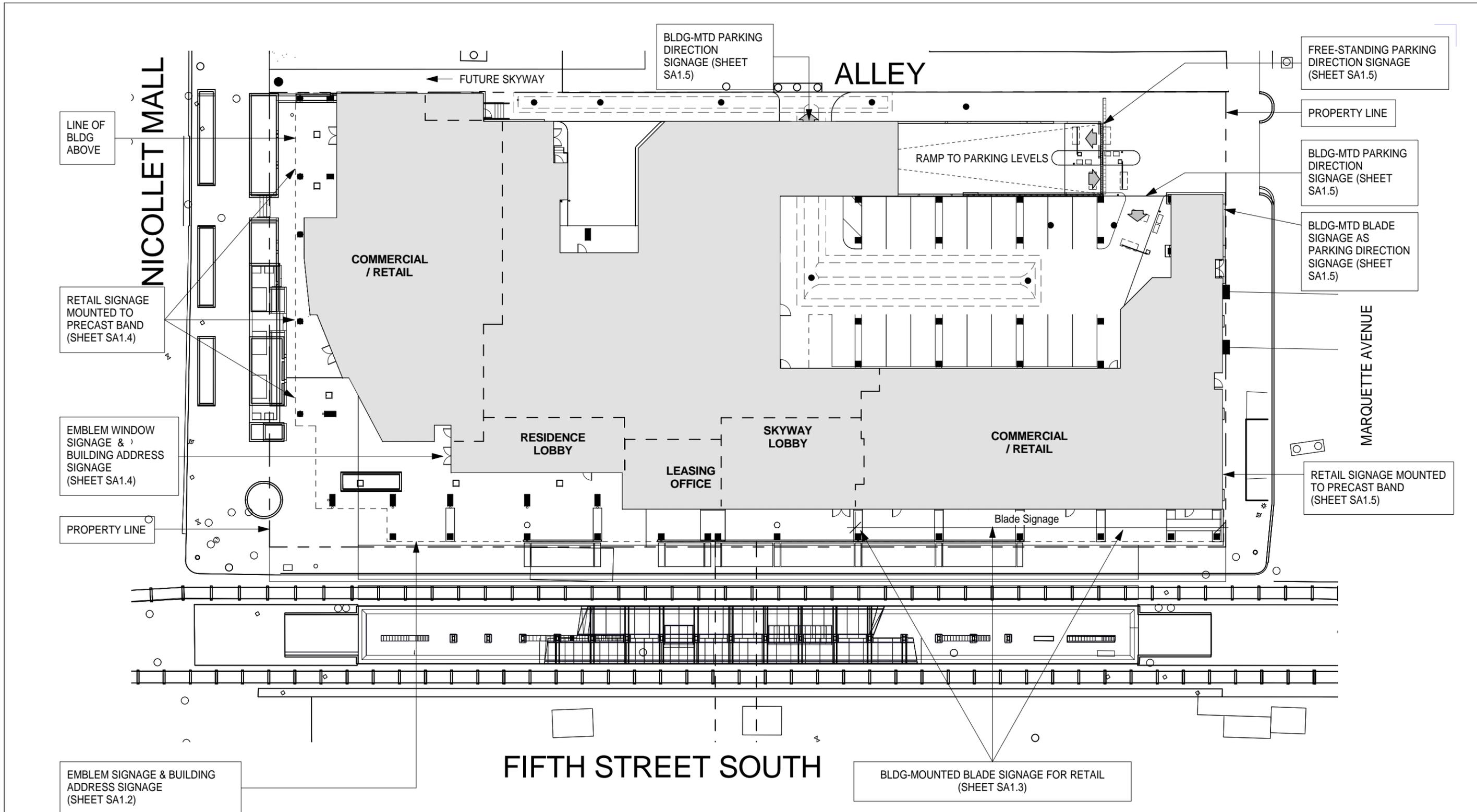
Scale: 3/8"=1'-0"



- .063 X 6" ALUM. RETURN
- 1" x 1" x 1/8" ALUMINUM ANGLE CLIP
- .177 CLEAR LEXAN
- 1" LEXAN ANGLE RIVETED TO LEXAN BACK
- 4" X 4" ALUMINUM CHANNEL
- .125 ALUMINUM FACE
- #6 x 1/2" PANHEAD SHEET METAL SCREWS
- .063 X 3" ALUM. RETURN
- 1" x 1" x 1/8" ALUMINUM ANGLE CLIP  
(ONE PER CHARACTER FOR GROUNDING)
- GROUND LUG #PN99534623 ATTACHED W/ #10 THRU-BOLT  
W/ 14GA. MIN. GROUND WIRE
- LED DRIVER IN TRANSFORMER BOX
- .125 ALUMINUM FACE
- .177 CLEAR LEXAN BACK
- CLASS 3P LOW VOLTAGE WIRES (GRAYBAR #97126465) TO LED DRIVER
- 1/2" CARFLEX LIQUIDTIGHT CONDUIT (GRAYBAR #88054327) W/  
CARLON PVC CONDUIT CONNECTOR (GRAYBAR #92119794)
- ALUMINUM TUBE SPACER
- #10 X 3" SHEETMETAL SCREWS
- PAINT INSIDE OF LETTER W/ LIGHT ENHANCEMENT PAINT
- 1" LEXAN ANGLE RIVETED TO LEXAN BACK
- 3/8" X 3-1/2" HILTI KWIK-BOLT
- SECONDARY JUNCTION BOX

#WSW20 UL RATED SWITCH





1 SITE PLAN SHOWING PROPOSED SIGNAGE LOCATIONS  
 SA1.1 1" = 30'-0"

03/27/14



SIGNAGE APPLICATION

The Nic on Fifth

SA 1.1

Site Plan

465 NICOLLET MALL,  
 MINNEAPOLIS, MN 55401



DETAIL OF PROPOSED BUILDING EMBLEM



EXAMPLE OF POTENTIAL BUILDING-MOUNTED RETAIL SIGNAGE @ PRECAST BAND



EXAMPLE OF POTENTIAL PROJECTING (BLADE) RETAIL SIGNAGE



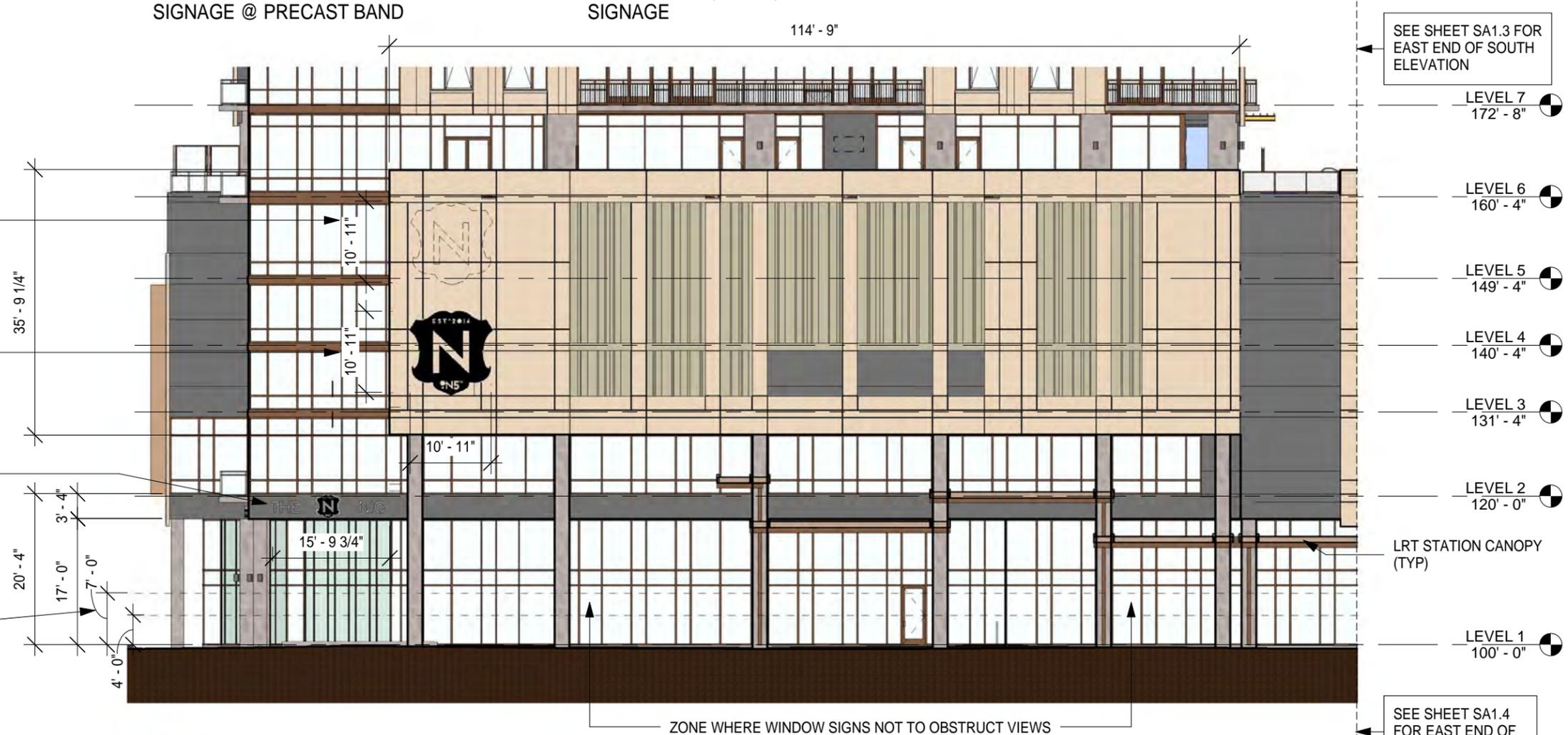
VIEW OF FUTURE RETAIL BLADE SIGNAGE ALONG 5TH STREET SOUTH

- EMBLEM ALTERNATE LOCATION, AREA:120 SF
- MAX ALLOWABLE SIGN AREA = 120 SF PER SIGN (TABLE 543.3)
  - MOUNTING HEIGHT EXCEEDS 28 FT (TABLE 543.3)
  - EMBLEM BACKLIT

- EMBLEM PREFERRED LOCATION, AREA:120 SF
- MAX ALLOWABLE SIGN AREA = 120 SF PER SIGN (TABLE 543.3)
  - MOUNTING HEIGHT EXCEEDS 28 FT (TABLE 543.3)
  - EMBLEM BACKLIT

- BLDG IDENTIFICATION SIGNAGE, AREA:53 SF
- MAX ALLOWABLE SIGN AREA = 120 SF PER SIGN (TABLE 543.3)
  - MOUNTING HEIGHT LESS THAN 28 FT (TABLE 543.3)
  - LETTERING BACKLIT

- RETAIL STOREFRONT WINDOWS
- FUTURE WINDOW SIGNS:
- NOT TO EXCEED 30% WINDOW AREA
  - NOT OBSTRUCT VIEWS INTO BLDG AT HEIGHT BETWEEN 4-7 FT ABOVE GRADE



1 ENLARGED SOUTH ELEVATION @ 5TH STREET S (WEST END)  
1/16" = 1'-0"

03/27/14



SIGNAGE APPLICATION

The Nic on Fifth

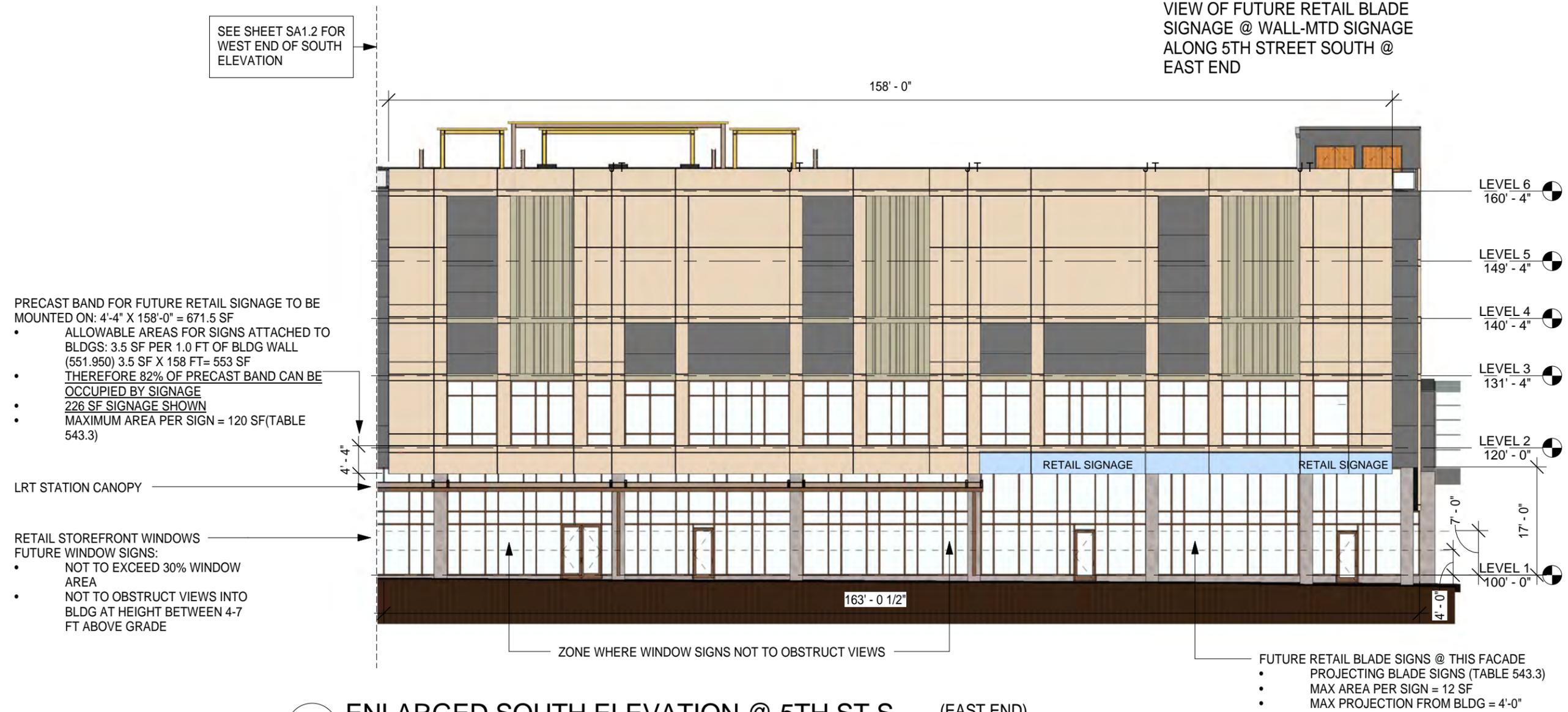
SA 1.2

Property Signage

465 NICOLLET MALL,  
MINNEAPOLIS, MN 55401



VIEW OF FUTURE RETAIL BLADE SIGNAGE @ WALL-MTD SIGNAGE ALONG 5TH STREET SOUTH @ EAST END



1 ENLARGED SOUTH ELEVATION @ 5TH ST S (EAST END)  
1/16" = 1'-0"

03/27/14



# SIGNAGE APPLICATION

The Nic on Fifth  
465 NICOLLET MALL,  
MINNEAPOLIS, MN 55401

SA 1.3

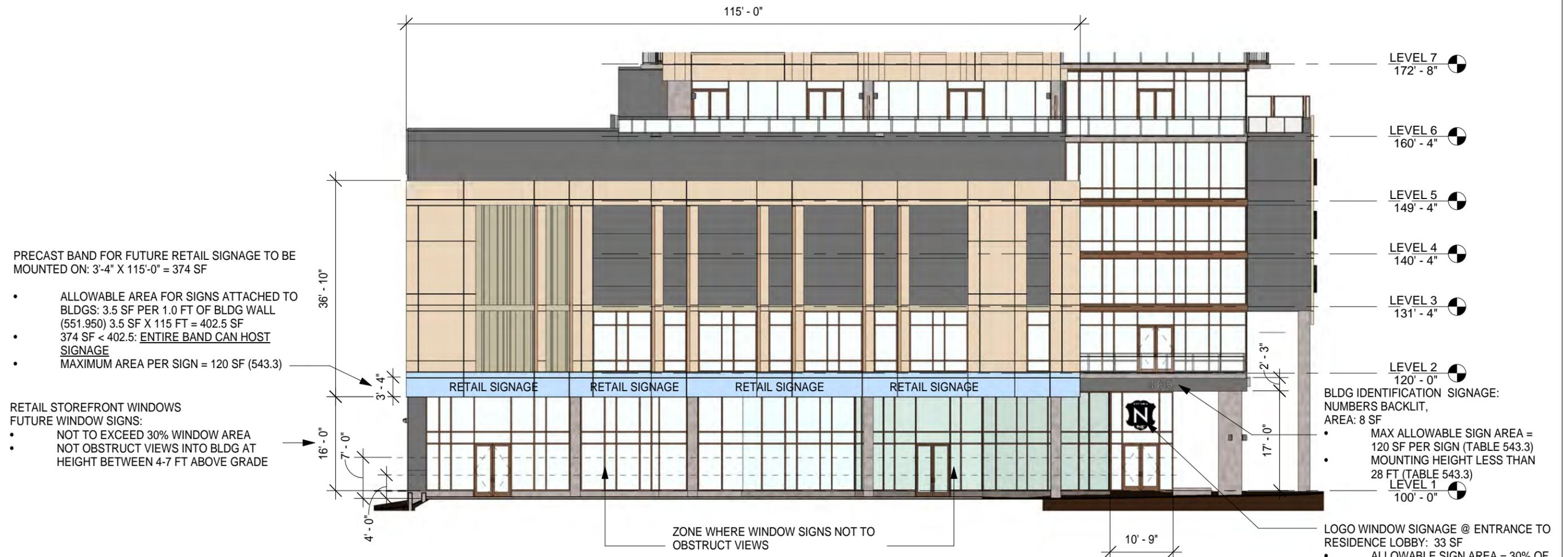
Property Signage



EXAMPLE OF POTENTIAL BUILDING-MOUNTED RESTAURANT BLADE SIGNAGE



EXAMPLE OF POTENTIAL BUILDING-MOUNTED RETAIL SIGNAGE @ PRECAST BAND



PRECAST BAND FOR FUTURE RETAIL SIGNAGE TO BE MOUNTED ON: 3'-4" X 115'-0" = 374 SF

- ALLOWABLE AREA FOR SIGNS ATTACHED TO BLDGS: 3.5 SF PER 1.0 FT OF BLDG WALL (551.950) 3.5 SF X 115 FT = 402.5 SF
- 374 SF < 402.5: ENTIRE BAND CAN HOST SIGNAGE
- MAXIMUM AREA PER SIGN = 120 SF (543.3)

RETAIL STOREFRONT WINDOWS  
FUTURE WINDOW SIGNS:

- NOT TO EXCEED 30% WINDOW AREA
- NOT OBSTRUCT VIEWS INTO BLDG AT HEIGHT BETWEEN 4-7 FT ABOVE GRADE

BLDG IDENTIFICATION SIGNAGE:  
NUMBERS BACKLIT,  
AREA: 8 SF

- MAX ALLOWABLE SIGN AREA = 120 SF PER SIGN (TABLE 543.3)
- MOUNTING HEIGHT LESS THAN 28 FT (TABLE 543.3)

LOGO WINDOW SIGNAGE @ ENTRANCE TO RESIDENCE LOBBY: 33 SF

- ALLOWABLE SIGN AREA = 30% OF WDW AREA
- WDW AREA = 182.75
- 30% X 182.75 = 55 SF

**1 ENLARGED WEST ELEVATION @ NICOLLET MALL**  
1/16" = 1'-0"

03/27/14



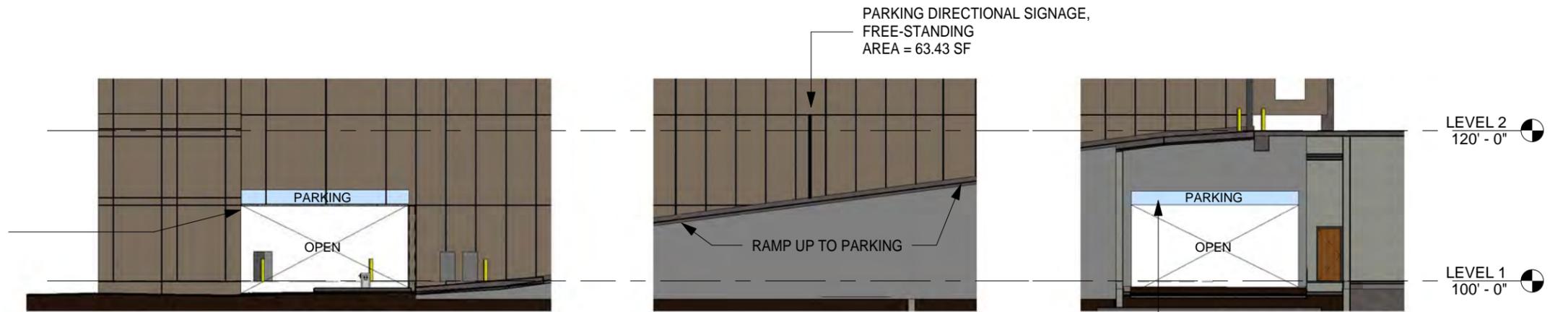
**SIGNAGE APPLICATION**

The Nic on Fifth  
465 NICOLLET MALL,  
MINNEAPOLIS, MN 55401

**SA 1.4**

Property Signage

- WALL MTD PARKING DIRECTIONAL SIGNAGE: 45 SF
- ALLOWABLE AREA FOR SIGNS ATTACHED TO BLDGS: 3.5 SF PER 1.0 FT OF BLDG WALL (551.950) 3.5 SF X 175" FT = 525 SF
  - MAXIMUM AREA PER SIGN = 120 SF (543.3)



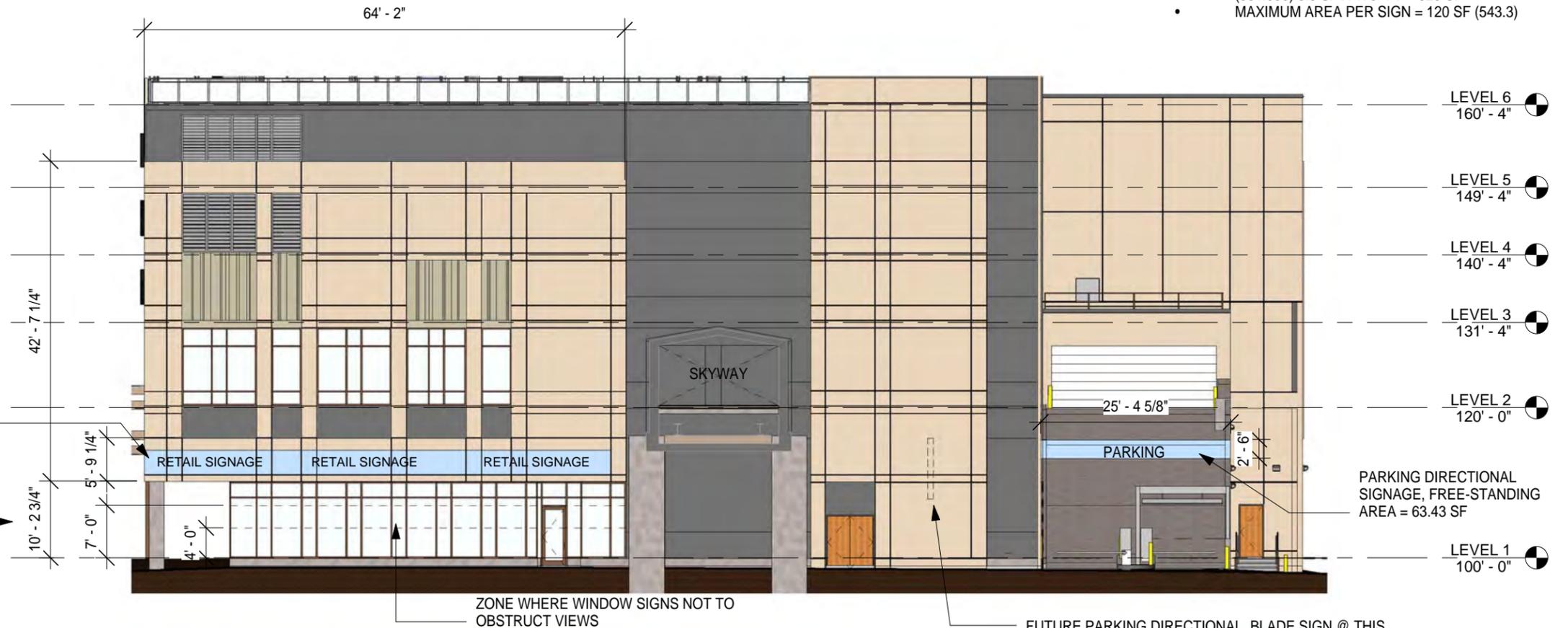
**2 ENLARGED NORTH ELEVATION (PARTIAL)**  
1/16" = 1'-0"

- WALL MTD PARKING DIRECTIONAL SIGNAGE: 45 SF
- ALLOWABLE AREA FOR SIGNS ATTACHED TO BLDGS: 3.5 SF PER 1.0 FT OF BLDG WALL (551.950) 3.5 SF X 175" FT = 525 SF
  - MAXIMUM AREA PER SIGN = 120 SF (543.3)

PRECAST BAND FOR FUTURE RETAIL SIGNAGE TO BE MOUNTED ON: 5'-9" X 64'-4" = 369.9 SF

- ALLOWABLE AREA FOR SIGNS ATTACHED TO BLDGS: 3.5 SF PER 1.0 FT OF BLDG WALL (551.950) 3.5 SF X 64'-4" FT = 225.2 SF
- THEREFORE 60% OF PRECAST BAND CAN BE OCCUPIED BY SIGNAGE
- MAXIMUM AREA PER SIGN = 120 SF (543.3)

- RETAIL STOREFRONT WINDOWS  
FUTURE WINDOW SIGNS:
- NOT TO EXCEED 30% WINDOW AREA
  - NOT OBSTRUCT VIEWS INTO BLDG AT HEIGHT BETWEEN 4-7 FT ABOVE GRADE



**1 ENLARGED EAST ELEVATION @ MARQUETTE AVE**  
1/16" = 1'-0"

- FUTURE PARKING DIRECTIONAL BLADE SIGN @ THIS LOCATION
- PROJECTING BLADE SIGNS (TABLE 543.3)
  - MAX AREA PER SIGN = 12 SF
  - MAX PROJECTION FROM BLDG = 4'-0"

03/27/14



# SIGNAGE APPLICATION

The Nic on Fifth

SA 1.5

Property Signage

465 NICOLLET MALL,  
MINNEAPOLIS, MN 55401



Yellow construction safety tape with black text and symbols, including a triangle with an exclamation mark and the word "CAUTION".

Metro Transit  
107A  
Hall of America  
Paid Fare Zone  
Valid Fare Required  
Proceed to ticket machine ahead

Hall of America  
119B  
END INTERLOCKING LIMITS





OPUS  
THE EXPLORER

Hybrid Electric

THE NINIC  
Retail & Office  
For Lease

MORE THAN MUSIC

EGAN  
mechanical electrical systems  
CA00572

CONSTRUCTION  
AHEAD  
STOP HERE



**OPUS**  
CONSTRUCTION SERVICES

**THE N**  
Real Estate

Real Estate  
For Lease