



CPED STAFF REPORT

Prepared for the Board of Adjustment

BOA Agenda Item #4
 April 23, 2015
 BZZ-7097

LAND USE APPLICATION SUMMARY

Property Location: 600 East Lake Street
Project Name: Valvoline Instant Oil Change
Prepared By: [Janelle Widmeier](#), Senior City Planner, (612) 673-3156
Applicant: NStar Real Estate LLC
Project Contact: Mitch DeMars, Crosstown Sign
Request: To allow signage for an automobile repair use.
Required Applications:

Variance	To increase the maximum allowed sign area of the primary building wall adjacent to Lake Street from 44.5 square feet to 112 square feet.
Variance	To allow a pole sign.
Variance	To increase the maximum area of a freestanding sign from 80 square feet to 108 square feet.
Variance	To increase the maximum height of a freestanding sign from 8 feet to 25 feet.

SITE DATA

Existing Zoning	C2 Neighborhood Corridor Commercial District
Lot Area	9,489 square feet
Ward(s)	6
Neighborhood(s)	Phillips West Neighborhood Organization (adjacent to Central Area Neighborhood Development Organization)
Designated Future Land Use	Mixed Use
Land Use Features	Commercial Corridor (Lake Street)
Small Area Plan(s)	Midtown Minneapolis Land Use and Development Plan (2005) Phillips West Master Land Use Plan (2009) (Please note that neither of these plans have policies specific to on-premise signage.)

Date Application Deemed Complete	March 23, 2015	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	May 22, 2015	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. An automobile repair use is located in the existing one story building located on the subject site. The site is at the northeast corner of Portland Avenue and Lake Street. A parking area and driveways are located between the building the adjacent streets. There is existing signage on each street facing façade of the building. There is also an existing 18 foot tall, 64 square foot pole sign located at the street corner.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. Automobile oriented uses are located to the east, west and south of the site. Residential uses are located to the north.

PROJECT DESCRIPTION. NStar Real Estate LLC is proposing new signage for the Valvoline Oil Change located at 600 Lake Street East. The sign proposal includes 4 signs. The following is a description of each sign.

- Sign A (wall sign facing Lake Street above the main entrance where a tube feature will be removed): This new sign will be 37 square feet in area and [internally illuminated](#). The top of the sign would be located 17 feet above grade.
- Sign B (wall sign facing Lake Street above the garage doors): This new sign will be 75 square feet in area and internally illuminated. The top of the sign would be located 17 feet above grade.
- Sign C (wall sign facing Portland Avenue): This is an existing sign that will be refaced. It is 31 square feet in area and internally illuminated. The top of the sign is 17 feet above grade.
- Sign D (freestanding sign): There is an existing pole sign located at the corner of the site. The applicant is proposing to increase the size of the sign face from 64 square feet to 108 square feet, increase the height from 18 feet to 25 feet, and will broaden the base around the pole. The larger sign would be internally illuminated.

The maximum allowed sign area per primary building wall is one square foot for every foot of building wall when there is a freestanding sign on the site. The wall facing Lake Street is 44.5 feet wide and there is a freestanding sign on the site. Therefore, the maximum allowed sign area on that wall is 44.5 square feet. In the zoning code, the face area of framed signs is calculated as follows: The area of a sign face enclosed in a frame or cabinet shall be determined on the basis of the outer dimensions of the frame or cabinet surrounding the sign face. Where the frame or cabinet is not in the shape of a rectangle, square, triangle or circle, the sign face area shall be determined by calculating the area of an imaginary rectangle drawn around the frame or cabinet. In other words, the sign area includes more than just text. As noted above, the area of the proposed signs on the Lake Street building elevation is 37 square feet and 75 square feet, for a total of 112 square feet. A variance is required to increase the maximum allowed sign area on a primary building wall.

The freestanding sign is a pole sign, which is not a permitted sign type. A pole sign is defined as a freestanding sign which has its supportive structure anchored in the ground or on a solid base not at least as wide as the sign, or which has a sign face elevated above the ground or base by one or more poles or beams and with an open area between the sign face and the ground or base of more than one foot. The type of freestanding sign that is allowed by the zoning code is a monument sign. A monument sign is defined as 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 or more poles or beams with not more than one foot of open area between the sign face and the ground or base. The maximum allowed area and height of a freestanding sign is 80 square feet and 8 feet respectively. Because a pole sign is not a permitted sign type, variances to increase the size, height, and to allow the sign type are all required.

RELATED APPROVALS. A site plan review application ([BZZ-1317](#)) was approved by the Planning Commission in 2004. Zoning Inspections has been working with the applicant to bring the site into compliance with the previously approved site plan and have agreed to let the sign variances proceed in the meantime. Plantings that are missing or have died need to be replaced and any other site improvements that are required for site plan compliance need to be completed regardless of whether or not these variances are granted.

PUBLIC COMMENTS. As of writing this report, no correspondence from the neighborhood group has been received. Any correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to increase the maximum allowed sign area of the primary building wall adjacent to Lake Street from 44.5 square feet to 112 square feet based on the following [findings](#):

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.*

Practical difficulties do not exist in complying with the ordinance. Also, there are no circumstances unique to the property and the request is based on economic considerations alone. The proposal will increase the existing amount of signage on the site. The applicant is allowed to install signage on two sides of the building and retain the pole sign, which is no longer a permitted sign type, in its current size and location adjacent to the street intersection. These allowances are sufficient to provide effective signage.

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.*

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 C2 Neighborhood Corridor Commercial District is established to provide an environment of retail sales and commercial services that are larger in scale than allowed in the C1 District and to allow a broader range of automobile related uses. In addition to commercial uses, residential uses, institutional and public uses, parking facilities, limited production and processing and public services and utilities are allowed. When a freestanding sign is located on a site, the zoning code allows less building signage (one square foot versus 1.5 square feet of sign area for every one foot of building wall) to lessen sign clutter and prevent a proliferation of signage. The proposed amount of wall signage is almost two times as much as would be allowed with no freestanding sign on the site. The request is not reasonable nor in keeping with the spirit and intent of the ordinance and 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.*

There is a high concentration of automobile oriented uses in the immediate area along Lake Street. These uses have large amounts of signage, including large freestanding signs. However, this is not the long-term character envisioned for this area. The Phillips West small area plan calls for higher density mixed use development, maximizing the highest and best use of properties such as the subject site. Lake Street is designated as a commercial corridor. While automobile oriented uses are appropriately located along commercial corridors, the comprehensive plan envisions that these corridors will support a mix of uses with a range of goods and services available and promote pedestrian access. Residential uses are also located to the north. The requested variance apply towards the signs oriented to Lake Street, and therefore should have little effect on nearby residential properties and would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. However, granting the variance would not be consistent with the character envisioned for this area.

In addition to the variance standards contained in Chapter 525 and this article, the Board of Adjustment shall consider, but not be limited to, the following factors when determining sign variances:

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 C2 Neighborhood Corridor Commercial District is established to provide an environment of retail sales and commercial services that are larger in scale than allowed in the C1 District and to allow a broader range of automobile related uses. In addition to commercial uses, residential uses, institutional and public uses, parking facilities, limited production and processing and public services and utilities are allowed. Although the C2 district allows automobile related uses, the signage allowed in this district is no different from the other commercial districts in order to prevent sign clutter and a proliferation of signage. There is a high concentration of automobile oriented uses in the immediate area along Lake Street. These uses have large amounts of signage and large freestanding signs, which have created sign clutter in this area. The zoning code allows for effective signage to be provided on this site. Granting the variance would contribute to the sign clutter problem in the area and would not be consistent with the C2 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 proposed sign materials are aluminum and polycarbonate plastic. The signs would be internally illuminated. They will relate in shape, material, color, height and illumination with the one-story, stucco building. However, the size of the signs is not in keeping with the character of the building and the property.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for 1) a variance to allow a pole sign, 2) a variance to increase the maximum area of a freestanding sign from 80 square feet to 108 square feet, and 3) a variance to increase the maximum height of a freestanding sign from 8 feet to 25 feet based on the following [findings](#):

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.*

Freestanding sign variances: Practical difficulties do not exist in complying with the ordinance. Also, there are no circumstances unique to the property and the request is based on economic considerations alone. The proposal will increase the existing amount of signage on the site. The proposed pole sign area is significantly larger than what is allowed for a permitted freestanding sign. The applicant is allowed to install signage on two sides of the building and retain the pole sign, which is no longer a permitted sign type, in its current size and location adjacent to the street intersection. Because the pole sign exists, the applicant can reface the sign cabinet without the need for a variance. These allowances are sufficient to provide effective signage.

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.*

Freestanding sign variances: 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 C2 Neighborhood Corridor Commercial District is established to provide an environment of retail sales and commercial services that are larger in scale than allowed in the CI District and to allow a broader range of automobile related uses. In addition to commercial uses, residential uses, institutional and public uses, parking facilities, limited production and processing and public services and utilities are allowed. In 2009, the zoning code was amended to no longer allow pole signs in order to lessen sign clutter and restrict the installation of signage that is overly auto-oriented and not pedestrian oriented. Because the pole sign exists, the applicant can reface the sign cabinet without the need for a variance. The request for a larger pole sign is not reasonable nor in keeping with the spirit and intent of the ordinance and 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.*

Freestanding sign variances: There is a high concentration of automobile oriented uses in the immediate area along Lake Street. These uses have large amounts of signage, including large freestanding signs. However, this is not the long-term character envisioned for this area. The Phillips West small area plan calls for higher density mixed use development, maximizing the highest and best use of properties such as the subject site. Lake Street is designated as a commercial corridor. While automobile oriented uses are appropriately located along commercial corridors, the comprehensive plan envisions that these corridors will support a mix of uses with a range of goods and services available and promote pedestrian access. A pole sign is primarily auto-oriented. Residential uses are also located to the north. The requested variances apply towards the signs oriented to Lake Street, and therefore should have little effect on nearby residential properties and would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. However, granting the variances would not be consistent with the character envisioned for this area.

In addition to the variance standards contained in Chapter 525 and this article, the Board of Adjustment shall consider, but not be limited to, the following factors when determining sign variances:

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.*

Freestanding sign variances: The C2 Neighborhood Corridor Commercial District is established to provide an environment of retail sales and commercial services that are larger in scale than allowed in the C1 District and to allow a broader range of automobile related uses. In addition to commercial uses, residential uses, institutional and public uses, parking facilities, limited production and processing and public services and utilities are allowed. Although the C2 district allows automobile related uses, additional sign area is not warranted for this type of use. The proposed pole sign area is significantly larger than what is allowed for a permitted freestanding sign. Further, pole signs are no longer a permitted sign type anywhere in the City. There is a high concentration of automobile oriented uses in the immediate area along Lake Street. These uses have large amounts of signage and large freestanding signs, which have created sign clutter in this area. The zoning code allows for effective signage to be provided on this site. Granting the variance would contribute to the sign clutter problem in the area and would not be consistent with the C2 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.*

Freestanding sign variances: The proposed sign materials are aluminum and polycarbonate plastic. The sign would be internally illuminated. It will relate in shape, material, color, and illumination with the one-story, stucco building. However, the size and height of the sign is not in keeping with the character of the building and the property.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application(s) by NStar Real Estate LLC for the property located at 600 East Lake Street:

A. Variance to reduce the maximum allowed sign area of a primary building wall.

Recommended motion: **Deny** the variance to increase the maximum allowed sign area of the primary building wall adjacent to Lake Street from 44.5 square feet to 112 square feet.

B. Variance to allow a pole sign.

Recommended motion: **Deny** the variance to allow a pole sign.

C. Variance to increase the maximum area of a freestanding sign.

Recommended motion: **Deny** the variance to increase the maximum area of a freestanding sign from 80 square feet to 108 square feet.

D. Variance to increase the maximum height of a freestanding sign.

Recommended motion: **Deny** the variance to increase the maximum height of a freestanding sign from 8 feet to 25 feet.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan/aerial
4. Sign details
5. Floor plan
6. Site photos
7. Photos of other properties

LETTER OF INTENT

Hello, The owner of the property at 600 E Lake St., Mr. Anwar Bhimani, would like to re identify this site, incorporating the new nation wide branding style. Signage at this location is old and outdated..

We propose to beautify the building and pylon sign. This architectural upgrade would only light in the copy areas. These subtle changes would bring this location into step with the rest of the nation.

City ordinance states that the entire background area of this bldg enhancement should be calculated as a sign. The background area conveys no message or logo, but is vital in conveying a uniform, clear message to the customer. In other cities, when this situation arises, the background is left opaque, and is not calculated as sign area.. For example, even in Minneapolis, , when an awning is proposed, only the copy area is counted as sign square footage., not the entire awning structure. We ask that the same consideration be given in this instance.

As for the pylon sign, the same logic applies regarding the face lift. New signage here would enhance the corner, replacing the 60 's style sign that is there now. The "pole sign" apparently has been allowed under a special use permit for years. I imagine that when it was granted, it was in keeping with standards at that time. Now, the code reads an overall height of 8 feet. A sign at that height is going to be hard to see, due to the bus stop and the general commotion there. It will eventually be vandalized and used as a billboard for graffiti, as the case with these low signs throughout the city. Mr. Bhimani wants to have a sign that can be easily viewed by the public, like his neighbors, not hidden behind a bus stop. We would like

this sign to be clean and professional looking, not an eyesore and a target for graffiti. There is an accompanying list of pylon signs within 300 yards of this site with varying heights from twenty feet to over thirty five feet.

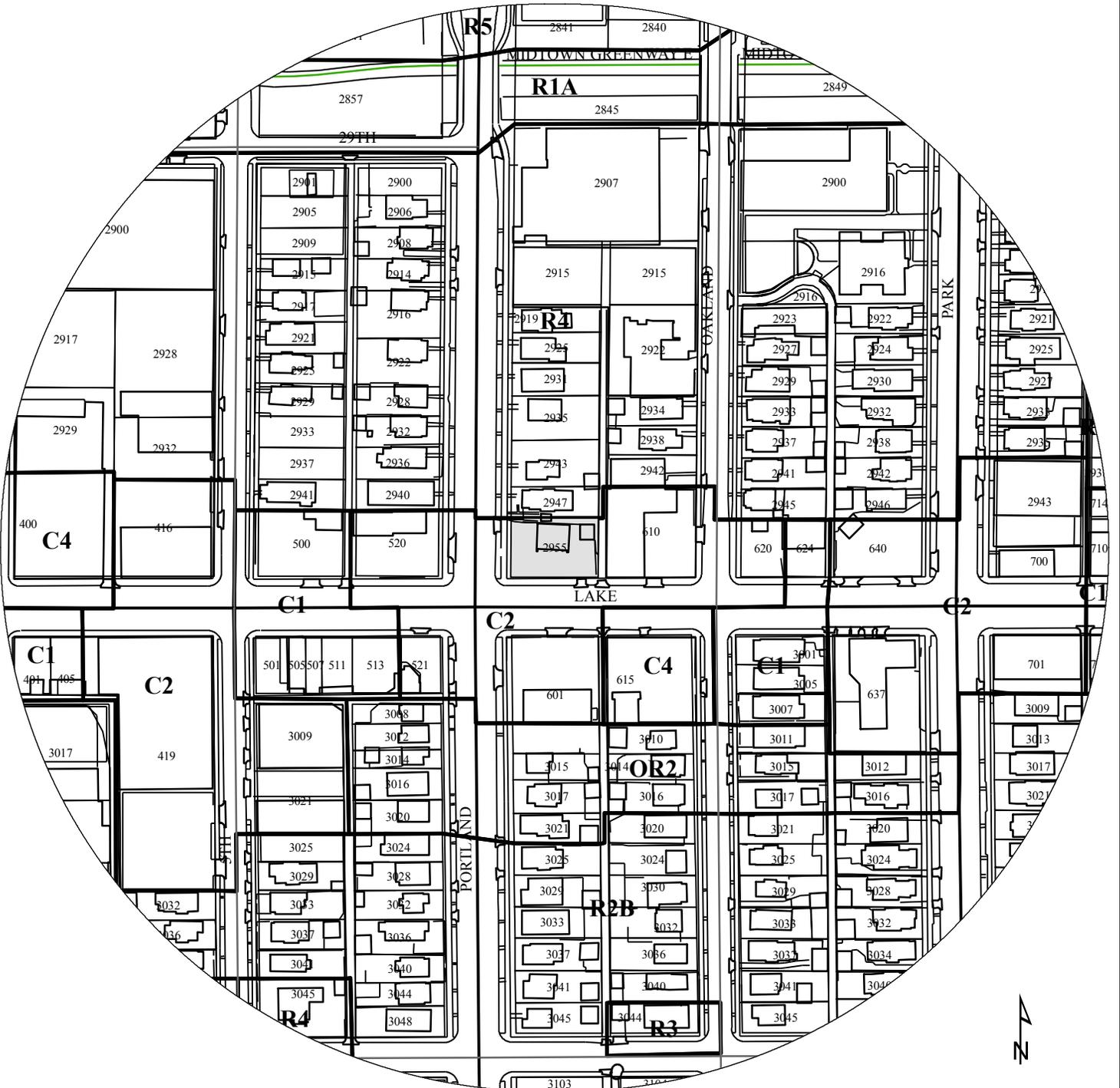
This signage will not clutter the building or lot, is consistent with the purpose of the zoning laws, and enhances the entire corner.

Lastly, this is a wonderful opportunity to dress up a very busy corner in a neighborhood that frankly, could use a break. There aren't a lot of people stepping up and pumping money into this area, and Mr. Bhimani intends to beautify this corner with your help.

Thank you ,
Mitch DeMars
Crosstown Sign

NAME OF APPLICANT

WARD



PROPERTY ADDRESS
600 E Lake St

FILE NUMBER
BZZ-7097

SITE PLAN

600 E. LK. ST.
OR
2955 PORTLAND AV. S.

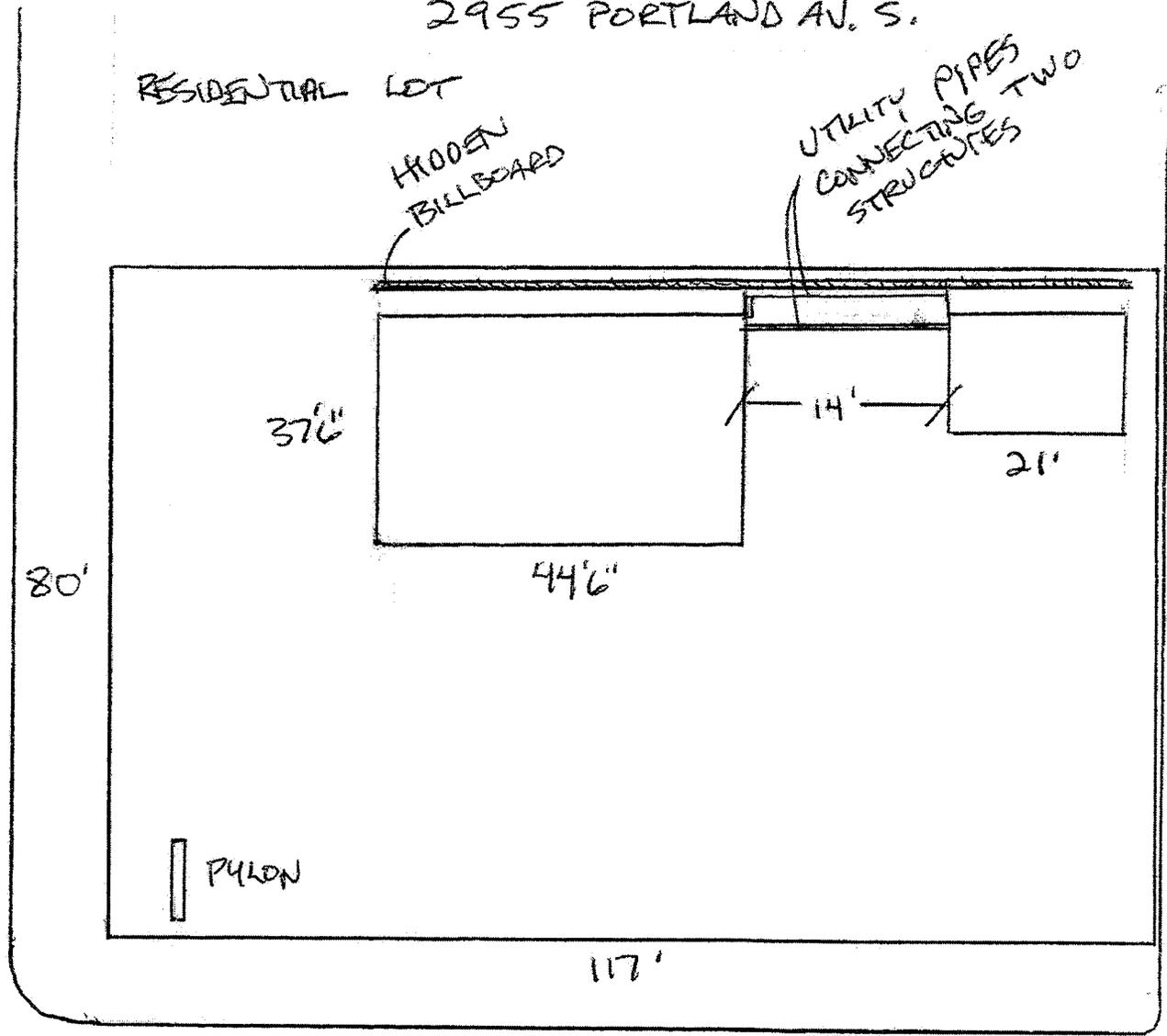
3/2/15
N
↑

20' = 1"

RESIDENTIAL LOT
HIDDEN
BILLBOARD

UTILITY PIPES
CONNECTING TWO
STRUCTURES

PORTLAND
ONE WAY SO.
TRAFFIC.



ALLEY

COMMERCIAL LOT

LAKE
2 WAY TRAFFIC

EXISTING


Valvoline
INSTANT OIL CHANGE™

OPEN

500

Valvoline Instant Oil Change logo and other small signs on the glass door.

CAUTION
OPEN
FLOOR

DO NOT
PARK
IN FRONT
OF DOOR


Quick. Easy. Trusted.

Garage bay containing a silver car and blue equipment.

Partial view of a white car parked on the right side of the building.

PROPOSED

A

36 SF
Logo Sign

13 SF
1' 1 7/16" x 11' 6"

10 SF
2' 3 3/16" x 4' 6 11/16"

B

3' x 25' +/-
Fascia

Paint Flashing
Silver



Approved by: _____

Date: _____

The final exterior images and sign designs for your project may differ from the above due to the necessity of complying with regulations regarding your specific property as determined by local governmental authorities.



EXISTING



UNAUTHORIZED VEHICLES
WILL BE TOWED AT OWNERS
EXPENSE TO:
Valvoline
612.343.0022



6'-1.875"

PROPOSED

C

5'-1.375"



Small white sign on the wall



EXISTING PYLON @ 6' X 10' @ 13'



← Portland Av S

ONE WAY
←

Lake Street

Duke's
CAR & AUTO
Auto
612-822-1177

FULL SERVICE AUTO REPAIR
USE NEW TIRES
AUTO & PAINT
CASH JUNK CARS

Duke's
CAR & AUTO
Auto Repair
612-822-1177

WE SELL NEW & USED TIRES





D

8'-1"

13'-4.5"

Valvoline
Instant Oil Change

FREE
BATTERY
TESTS!

Lake Street

NEW USED

NEIGHBORING SIGNS



C & J 20 Feet to Top



Goodyear 32 Feet to Top



Midas 20 Feet to Top



Shell 20 Feet to Top

Car Wash 35 Feet to Top

