

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-2580

Date: September 15, 2005

Applicant: Laurie Brickley, on behalf of the Minnesota Orchestral Association

Address of Property: 1111 Nicollet Mall

Date Application Deemed Complete: August 23, 2005

End of 60 Day Decision Period: October 22, 2005

Appeal Period Expiration: September 26, 2005

Contact Person and Phone: Laurie Brickley, 612-823-0724

Planning Staff and Phone: Molly McCartney, 612-673-5811

Ward: 7 **Neighborhood Organization:** Downtown West

Existing Zoning: B4S-2 Downtown Service District and NM Nicollet Mall Overlay District

Proposed Use: Installation of new signs

Proposed Variance: A variance to increase the maximum size allocation for signage from 2,555 sq. ft. to 16,013 sq. ft. for the entire building, a variance to increase the maximum area per sign from 120 sq. ft. to 1,512 sq. ft. along Marquette Avenue, a variance to increase the maximum area per sign from 120 sq. ft. to 7,192 sq. ft. along 11th Street South, a variance to increase the maximum area per sign from 120 sq. ft. to 7,309 sq. ft. along Nicollet Mall, a variance to increase the maximum height from the ground of a sign from 24 ft. to 55 ft. along Marquette Avenue, a variance to increase the maximum height from the ground of a sign from 24 ft. to 62 ft. along 11th Street South, and a variance to increase the maximum height from the ground of a sign from 24 ft. to 62 ft. along Nicollet Mall on a property located at 1111 Nicollet Mall in the B4S-2 Downtown Service District and the NM Nicollet Mall Overlay District.

Zoning code section authorizing the requested variance: 525.520 (21)

Background: The subject site, Orchestra Hall, is located at 1111 Nicollet Mall in the B4S-2 Downtown Service District and the NM Nicollet Mall Overlay District. As part of promoting the opening of the 2005 Minnesota Orchestra season, the applicant is proposing to install signs that wrap the building in text and images of the Minnesota Orchestra. The wrap material is perforated window film, Scotchprint, produced by 3M that is also used on MetroTransit buses and light rail transit trains. The inside of the building will not be visible from the outside, but Orchestra Hall visitors will be able to see out from the inside. The applicant states that the signs would be on the building through the duration of the classical

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season ending in May of 2006. Portions of the sign are being installed prior to the granting of this variance or obtaining a sign permit.

Staff has calculated the amount of signage by using the text and pictures of the signs, but has not included the color swatches. In the B4S-2 and NM Overlay District, the amount of the signage permitted for this building is 2,555 sq. ft. and the applicant is proposing to increase that to 16,013 sq. ft. The proposed signs will cover three side of Orchestra Hall; small portion along Marquette Avenue, the entire side of building along 11th Street South and majority of the building along Nicollet Mall and Peavey Plaza.

A portion of the sign displays the logos of two of the project's sponsors, 3M and Target. While this could be considered off-premise advertising, the Zoning Office has historically allowed corporate sponsorship to be displayed on advertising for community and nonprofit events.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Maximum size allocation for total signage: The maximum amount of total signage allowed for this site is 2,555 sq. ft. The applicant is proposing to add 16,013 sq. ft. of signage to the site. While the subject site is located in an active area of downtown Minneapolis with many other businesses, organizations, and signs, strict adherence to the zoning code does not prohibit the applicant from locating a reasonable amount of signage on the subject site. Staff believes that signs that meet the building allocation of 2,555 sq. ft. are a reasonable use of the property.

Maximum size for a wall sign along Marquette, 11th Street South, and Nicollet Mall: The maximum size of a wall sign is 120 sq. ft. in the B4S-2 and NM Overlay District. The applicant is proposing to install signs on three sides of the building, which will measure 1,512 sq. ft. along Marquette Avenue, 7,192 sq. ft. along 11th Street South, and 7,309 sq. ft. along Nicollet Mall. While the subject site is located in an active area of downtown Minneapolis with many other businesses, organizations, and signs, strict adherence to the zoning code does not prohibit the applicant from locating a reasonable amount of signage on the subject site. Staff believes that signs that meet the per sign maximum of 120 sq. ft. is a reasonable use of the property.

Maximum height off the ground for a wall sign Marquette, 11th Street South, and Nicollet Mall: The maximum height off the ground for a wall sign is 24 ft. in the B4S-2 and NM Overlay District. The applicant is proposing to install signs on three sides of the building, which will measure 55 ft. off the ground along Marquette Avenue, 62 ft. off the ground along 11th Street South, and 62 ft. off the ground along Nicollet Mall. While the subject site is located in an active area of downtown Minneapolis with many other businesses, organizations, and signs, strict adherence to the zoning code does not prohibit the applicant from locating a sign that is a reasonable height off the ground. Staff believes that signs that meet the maximum height off the ground are a reasonable use of the property.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Maximum size allocation for total signage: The circumstances upon which this variance is request are not unique to the parcel of land and have been created by the applicant. The applicant is proposing signage that will cover the majority of two sides of Orchestra Hall and a smaller portion of a third building side. The applicant states that the parcel of land is unique because it is surrounded by hotel, restaurant, and convention center partners. While being located in downtown may require more signage due to increase commercial activity and competing signage, the request for 16,013 sq. ft. of signage is far more than the permitted 2,555 sq. ft of signage allowed.

Maximum size for a wall sign along Marquette, 11th Street South, and Nicollet Mall: The circumstances upon which this variance is request are not unique to the parcel of land and have been created by the applicant. The applicant is proposing signage that will cover the majority of two sides of Orchestra Hall and a smaller portion of a third building side. Each side has been calculated as one sign, which results in three variances to increase an individual wall sign from 120 sq. ft. to 1,512 sq. ft. along Marquette Avenue, 7,192 sq. ft. along 11th Street South, and 7,309 sq. ft. along Nicollet Mall. The applicant states that the parcel of land is unique because it is surrounded by hotel, restaurant, and convention center partners. While being located in downtown may require more signage due to increase commercial activity and competing signage, the requests to increase the maximum size of a wall size from 120 sq. ft. to the requested amounts is far more than the permitted 120 sq. ft of signage allowed.

Maximum height off the ground for a wall sign Marquette, 11th Street South, and Nicollet Mall: The circumstances upon which this variance is request are not unique to the parcel of land and have been created by the applicant. The applicant is proposing signage that will cover the majority of two sides of Orchestra Hall and a smaller portion of a third building side. Each side has been calculated as one sign, which results in three variances to increase the maximum height off the ground from 24 ft. to 55 ft. off the ground along Marquette Avenue, 62 ft. off the ground along 11th Street South, and 62 ft. off the ground along Nicollet Mall. The applicant states that the parcel of land is unique because it is surrounded by hotel, restaurant, and convention center partners. While being located in downtown may require more signage due to increase commercial activity and competing signage, the requests to increase the maximum height from the ground from 24 ft. to the requested amounts is far more than the permitted 24 ft height of signs allowed.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Maximum size allocation for total signage: Staff believes that granting the variance will be keeping with the spirit of the ordinance and will not alter the character of the area. While a variance is granted for the property indefinitely and does transfer through changes in ownership, the variance would be valid only with a similar type of use than the present use. If the signs change after this music season, the amount of images and text would have to be the same or less than what is granted through the variance. Any increase would require updating the variance through a public hearing process. The subject site is located on Nicollet Mall which does have increase commercial activity and signage, and the proposed signs will not alter the essential character of the surrounding area. The signage along 11th Street South and Peavey Plaza will face a public open space that is host to many Orchestra sponsored events and is visited by its guests.

Maximum size for a wall sign along Marquette, 11th Street South, and Nicollet Mall: Staff believes that granting the variances will be keeping with the spirit of the ordinance and will not alter the character of the area. While a variance is granted for the property indefinitely and does transfer through changes in ownership, the variance would be valid only with a similar type of use than the present use. If the signs changes after this season, the amount of images and text would have to be the same or less than what is granted through the variance. Any increase would require updating the variance through a public hearing process. The subject site is located on Nicollet Mall which does have increase commercial activity and signage and the proposed signs will not alter the essential character of the surrounding area. The signage along 11th Street South and Peavey Plaza will face a public open space that is host to many Orchestra sponsored events and is visited by its guests.

Maximum height off the ground for a wall sign Marquette, 11th Street South, and Nicollet Mall: Staff believes that granting the variances will be keeping with the spirit of the ordinance and will not alter the character of the area. While a variance is granted for the property indefinitely and does transfer through changes in ownership, the variance would be valid only with a similar type of use than the present use. Any change in signs would have to meet the height of the original variance. The subject site is located on Nicollet Mall which does have increase commercial activity and signage, and the proposed signs will not alter the essential character of the surrounding area. The signage along 11th Street South and Peavey Plaza will face a public open space that is host to many Orchestra sponsored events and is visited by its guests.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Maximum size allocation for total signage, Maximum size for a wall sign along Marquette, 11th Street South, and Nicollet Mall, and Maximum height off the ground for a wall sign Marquette, 11th Street South, and Nicollet Mall: Granting the variances would likely have no impact on the congestion of area streets or fire safety, nor would the proposed structure be detrimental to the public welfare or endanger the public safety. Generally, animated, flashing, or

illuminated signs can cause traffic safety issues due to the distracting nature of the sign. However, this sign is static and located along one way streets, which staff believes causes little traffic concerns.

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.**

Maximum size allocation for total signage, Maximum size for a wall sign along Marquette, 11th Street South, and Nicollet Mall, and Maximum height off the ground for a wall sign Marquette, 11th Street South, and Nicollet Mall: The proposed signs will not lead to sign clutter or result in a sign inconsistent with the zoning district. The subject site is located on Nicollet Mall in the B4S-2 and NM Overlay Districts which permit theaters and has increase commercial activity and signage. The signage along 11th Street South and Peavey Plaza will face a public open space that is host to many Orchestra sponsored events and is visited by its guests.

2. **The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.**

Maximum size allocation for total signage, Maximum size for a wall sign along Marquette, 11th Street South, and Nicollet Mall, and Maximum height off the ground for a wall sign Marquette, 11th Street South, and Nicollet Mall: The proposed signs are unique, visually interesting, and will enhance the surrounding area. The signs, designed by artists Ann Marsden and Greg Helgeson, depict Minnesota Orchestra musicians, audience members and the conductor with floor to roof signs. The applicant states that the building architect, Hugh Hardy of Hardy, Holzman, Pfeiffer, supports the project as well. Orchestra Hall is a major regional destination and the sign design will add to the commercial and cultural activities in downtown Minneapolis.

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 Board of Adjustment adopt the findings above and **deny** variance to increase the maximum size allocation for signage from 2,555 sq. ft. to 16,013 sq. ft. for the entire building, **deny** the variance to increase the maximum area per sign from 120 sq. ft. to 1,512 sq. ft. along Marquette Avenue, **deny** the variance to increase the maximum area per sign from 120 sq. ft. to 7,192 sq. ft. along 11th Street South, **deny** the variance to increase the maximum area per sign from 120 sq. ft. to 7,309 sq. ft. along Nicollet Mall, **deny** the variance to increase the maximum height from the ground of a sign from 24 ft. to 55 ft. along Marquette Avenue, **deny** the variance to increase the maximum height from the ground of a sign from 24 ft. to 62 ft. along 11th Street South, and **deny** the variance to increase the maximum height from the ground of a sign from 24 ft. to 62 ft. along Nicollet Mall on a property located at 1111 Nicollet Mall in the B4S-2 Downtown Service District and the NM Nicollet Mall Overlay District.