

**Department of Community Planning and Economic Development - Planning Division Report****Variance Request  
BZZ-2668****Date:** November 3, 2005**Applicant:** Opus Properties LLC**Address of Property:** 707 2<sup>nd</sup> Avenue South**Contact Person and Phone:** Tom Sopoci – RSP Architects 612-677-7100**Planning Staff and Phone:** Jim Voll 612-673-3887**Date Application Deemed Complete:** October 4, 2005**End of 60 Day Decision Period:** December 3, 2005**Appeal Period Expiration:** November 14, 2005**Ward:** 7      **Neighborhood Organization:** Downtown**Existing Zoning:** B4-2 Downtown Business District**Proposed Use:** A freestanding sign.**Proposed Variance:** Variance to increase the maximum allowable area of a freestanding sign from 32 square feet to 342 square feet; and variance to increase the maximum allowable height of a freestanding sign from eight feet to 16 feet 9 inches.**Zoning code section authorizing the requested variance:** 525.520 (21)**Background:** Ameriprise Financial is proposing the installation of a freestanding sign at its corporate headquarters at 707 Second Avenue South. The sign will be at the corner of 3<sup>rd</sup> Avenue South and 7<sup>th</sup> Street South. The site is zoned B4-2 Downtown Business District. The zoning code limits freestanding signs to a maximum area of 32 square feet and a maximum height of eight feet. The letters on the sign will meet the height requirement, but the logo will be 16 feet 9 inches high. The total area of the sign including the logo, letters and the granite that they are affixed to is 341 square feet.

The applicant received a variance to allow two freestanding signs (the code allows one), one at the corner of 2<sup>nd</sup> Avenue South and 7<sup>th</sup> Street South and the other at the corner of 3<sup>rd</sup> Avenue South and 7<sup>th</sup> Street South in July of 2005 (BZZ-2451). In addition, both of these signs exceeded the allowable area and height of 32 square feet and eight feet respectively. The variances allowed an area of 54 square feet and a height of nine feet for both signs.

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The applicant has stated that this variance application, if granted, supercedes the previous request and will only install one freestanding sign. If an additional freestanding sign is proposed in the future the applicant understands that a variance will be required to allow a second freestanding sign.

The Public Works Traffic Division has reviewed the proposed sign design and location and has indicated that it will not interfere with traffic flow or sight lines. It appears that part of the sign is in the public right-of-way. This will require an encroachment permit approval by the Public Works Right-of-Way Division before a sign permit may be issued.

### **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.**

The applicant proposes to integrate the freestanding sign with the landscaping planter in front of the building and wants the name and logo to be visible from the street while still providing a sign that is attractive and matches the character of the building. The applicant does not have significant identification signage on the building. Limiting the identification signage to one sign and requiring the size and height to be reduced could be a hardship, because it would not allow the applicant to provide reasonable identification signage for their corporate center. However, in this case staff can not find a hardship that would justify a sign of that substantially exceeds the height and area limitations of the code.

- 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.**

The site does not have any significant identification signage on the building and has large landscaping planters at the front of the building. This makes it more necessary to have an additional sign that is larger than the height and area requirements of the code. While these conditions are not generally applicable to other properties in the downtown, they are not unique enough to justify a sign that exceeds the allowable area by over 300 square feet and the height by almost nine feet.

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- 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.**

The intent of the ordinance is to allow effective signage appropriate to the character of each zoning district, to promote an attractive environment by limiting visual clutter and confusion, and to minimize effects on nearby properties. The building has no signage except for small identification signs above the main doors, so the only significant signage will be the freestanding sign at the corner. The size and height of the sign is larger than most freestanding signs in the immediate vicinity and may be out of character with the area.

- 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.**

Granting the variances would have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety.

**In addition to the conditional use standards contained in Chapter 525 and this article, the City Planning Commission 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 sign will not lead to clutter unless combined with additional signage on the building that is not currently identified. The building has no signage except for small identification signs above the main doors, so the only significant signage will be the freestanding sign at the corner.

- 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.**

The sign will be professionally constructed and installed. The sign will have metal letters on a stone background that will match the material of the main building. This will be a sign of exceptional design and style that is compatible with the architecture and design of the site. However, the size of the sign may have an impact on the landscaped area in which it would be installed by blocking views of the area from the sidewalk and street.

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### **Recommendation of the Department of Community Planning and Economic Development:**

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to increase the maximum allowable area of a freestanding sign from 32 square feet to 342 square feet and **deny** the variance to increase the maximum allowable height of a freestanding sign from 8 feet to 16 feet 9 inches for property located at 707 2<sup>nd</sup> Avenue South in the B4-2 Downtown Business District.