

**Department of Community Planning and Economic Development**  
Conditional Use Permit and Variances  
BZZ-6161

**Date:** August 12, 2013

**Applicant:** Crosstown Sign

**Addresses of Property:** 425 7<sup>th</sup> Street South

**Project Name:** Hyatt Place

**Contact Person and Phone:** Rick Fox of Crosstown Sign, (763) 784-7742

**CPED Staff and Phone:** Aaron Hanauer, (612) 673-2494

**Date Application Deemed Complete:** July 23, 2013

**End of 60-Day Decision Period:** September 20, 2013

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

**Existing Zoning:** B4-1/Downtown Business District and DP/Downtown Parking Overlay District

**Proposed Zoning:** N/A

**Zoning Plate Number:** 19

**Lot Area:** 15,683 square feet or 0.36 acres

**Legal Description:** N/A

**Proposed Use:** Sign package for a new hotel in an existing building.

**Concurrent Review:** Rick Fox, on behalf of Crosstown Sign, has submitted the following applications:

- Conditional Use Permit to allow two wall signs to exceed the maximum height allowed for buildings that exceeds 6 stories or 84 feet in a downtown district.
- Variance to increase the number of wall signs permitted (from two to three) for an individual building use when the building exceeds six stories or 84 feet in a downtown district.
- Variance to increase the number of wall signs permitted (from one to two) for a building wall when the building exceeds six stories or 84 feet in a downtown district.
- Variance to increase the maximum size of a wall sign from 120 square feet to approximately 156 square feet (**is not required and application has been withdrawn**).
- Variance to increase the maximum height of a projecting sign from 28 feet to 31 feet to allow for a new projecting sign facing South 7<sup>th</sup> Street.

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**Applicable zoning code provisions:** Chapter 525, Article VII and Chapter 543, Article VI, Conditional Use Permit and Article IX, Variances.

**Background:** The 25-story Centre Village building was completed by 1986. It takes up half a Downtown city block and has street frontage along 7<sup>th</sup> Street South, 8<sup>th</sup> Street South, and 5<sup>th</sup> Avenue South. It is a mixed use building that contains a principal parking facility, first floor storefronts, 216-room hotel, offices, and 200 condominium units.

The Hyatt Place is taking over the hotel space from the previous hotel establishment, Comfort Suites. The hotel is located on the 8<sup>th</sup> through 14<sup>th</sup> floors. As part of this change, the applicant is proposing a new exterior sign package that would replace the hotel's eight existing signs viewable from the public right-of-way with eight new signs.

The applicant is proposing to replace four of the eight signs; a projecting sign, wall sign, monument sign, and canopy sign on the first floor/ground level with signs that have different copy, but are the same size and location as the existing. The replacement of these signs can be approved administratively through a sign permit application since they are the same size and location as existing and meet other zoning code requirements.

The other four proposed signs, three wall signs and a projecting sign on the east elevation, require a conditional use permit and/or variance because the signs differ compared to existing conditions in terms of size and location and do not meet zoning code requirements. The applicant was informed by CPED staff that if they maintained the size and height of the existing signs that the new signs could be approved administratively. The applicant has chosen to pursue the conditional use permit and variances for their proposed sign package.

There have been hotel wall signs on the 8<sup>th</sup> floor of the Centre Village building since at least 1991 from previous hotel establishments. The most recent hotel, Comfort Inn Suites, had a wall sign on the 8<sup>th</sup> floor on the south, east, and north elevations. Each of these signs are 190 square feet in size and 76 feet above ground level. The applicant is proposing to remove these signs and place a wall signs on the 14<sup>th</sup> floor on the south, east, and north elevation. These proposed signs would be 156 square feet (3.5 feet tall by 44.2 feet wide) and 141.5 feet above ground level. The signs, which consist of the Hyatt Place logo, and the individual letters spelling out 'Hyatt Place' will be internally illuminated (white). In addition to the upper story hotel signs, there is a 200 square foot Centre Village sign at the top of the building on each elevation.

Section 543.370 (b) provides the parameters for wall signs on buildings that exceed six stories or 84 feet in height.

*543.370 (b) Exception. Recognizing that certain buildings or uses may have unique identification needs, notwithstanding the height and area limits of Table 543-3, Specific Standards for Signs in the Downtown Districts, a conditional use permit may be applied for, as provided in Chapter 525, Administration and Enforcement, to allow not more than two (2) additional wall signs identifying the name or logo of a building or use in a building that exceeds six (6) stories or eighty-four (84) feet in height, subject to the following:*

- 1. Signs shall be limited to individual letters or elements permanently affixed to the building wall.*

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2. *Signs shall not exceed three (3) square feet of sign area for each one (1) foot of building wall to which such sign is attached or three hundred (300) square feet, whichever is less.*
3. *Not more than one (1) sign shall be located on a building wall.*
4. *The vertical dimension of such sign shall not exceed fourteen (14) feet.*

The applicant's proposal meets the requirements for applying for a conditional use permit in terms of sign type, size, and vertical dimension requirements. However, in addition to the conditional use permit application, the applicant is seeking a variance to allow for three wall signs for the hotel use, rather than two, and a variance to allow for two wall signs greater than 28 feet in height on a building wall. CPED incorrectly noticed a variance application to increase the maximum size of a wall sign from 120 square feet to approximately 156 square feet. This application is not needed because the conditional use permit allows a wall sign to have three square feet of sign area for each one foot of building wall, but not to exceed 300 square feet. Given the linear footage of the Centre Village elevations, the building would be allowed wall signs up to 300 square feet on each of the elevations. Therefore, this application has been withdrawn.

The applicant is also proposing a 26 square foot projecting sign (1.4 feet wide by 16 feet tall) on the east elevation (along 5<sup>th</sup> Avenue South) that will be 31 feet above grade at the top of the sign. The projecting sign requires a variance to allow for an increase in the maximum height of a projecting sign from 28 feet to 31 feet (Table 543-3).

**CONDITIONAL USE PERMIT** – to allow wall signs not withstanding height limits for a building higher than six stories or 84 feet in a downtown district:

**Findings as Required by the Minneapolis Zoning Code:**

The Community Planning and Economic Development Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will be detrimental to or endanger the public health, safety, comfort or general welfare.**

There is no evidence that allowing the installation of wall signs that are 156 square feet in size that are 141.5 feet in height measured from grade will be detrimental or endanger the public health, safety, comfort or general welfare. The Centre Village building has had wall signs for the hotel use on the eight floor since 1991. The proposed location on the 14<sup>th</sup> floor will not be in the direct line of vision of neighboring buildings. In addition, the greater height will provide more visibility for out of town guests trying to easily find the hotel.

**2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The proposed wall signs meet size and illumination requirements for taller wall signs in downtown districts. The three wall signs will not have a negative impact on the adjacent surface parking lots on 5<sup>th</sup> Avenue South, 7<sup>th</sup> Street South, and 8<sup>th</sup> Street South. If these surface parking lots are developed, the signs will not have a negative impact on future buildings given that they will be in compliance with zoning code requirements. In addition, the proposed location of the signs will not be in a direct site line of existing adjacent building including the office building at 701 4<sup>th</sup> Avenue South, the Normandy Inn Hotel at 405 South 8<sup>th</sup> Street, and residences in the Sexton Building (521 7<sup>th</sup> Street South).

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The installation of wall signs greater than 28 feet on a building taller than six stories or 84 feet will have no impact on utilities, access roads, drainage, or other facilities.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The site has operated as a hotel since at least 1986. Allowing for walls signs to be taller than 28 feet in height will allow the site to be more easily located for visitors of the hotel not familiar with Downtown Minneapolis.

**5. Is consistent with the applicable policies of the comprehensive plan.**

Approving the conditional use permit will be consistent with the following economic development and urban design policies of the Minneapolis Comprehensive Plan:

- Economic Development
  - Policy 4.1: Support private sector growth to maintain a healthy, diverse economy.
  - Policy 4.9: Focus economic development efforts in strategic locations for continued growth and sustained vitality.
  - Policy 4.12: Downtown will continue to be the economic engine of the Upper Midwest region by strengthening its employment core.
    - 4.12.5 Support the continued strength and growth of the Downtown convention and hospitality industry.
  - Policy 4.13: Downtown will continue to be the most sustainable place to do business in the metro area.
  - Policy 4.16 Strengthen Downtown's position as a regional cultural, entertainment and commercial center that serves Downtown employees, visitors, and residents.
    - 4.16.6 Preserve and build upon Downtown's cultural, entertainment and hospitality amenities, such as the convention center, professional sports venues and the Central Riverfront.
- Urban Design
  - Policy 10.20: Promote an attractive environment by minimizing visual clutter and confusion caused by a proliferation of signage.
    - 10.20.1: Location, size, height and spacing of off-premise advertising signs and billboards shall be regulated to minimize their visual blighting effects.

- 10.20.2: Master sign plans shall be submitted for multi-tenant buildings to ensure a complementary relationship between signage and the architecture of a building.

**6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.**

With the approval of the conditional use permit and the variance applications the sign package will meet the applicable regulations of the zoning district and zoning code.

**VARIANCES** – (1) Variance to increase the number of wall signs permitted for building higher than six stories or 84 feet from two to three. (2) Variance to allow for an increase in the maximum height of a projecting sign from 28 feet to 31 feet.

**Findings as Required by the Minneapolis Zoning Code for the 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.**

**Variance to increase the number of wall signs permitted for buildings higher than six stories or 84 feet from two to three:**

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. These circumstances were not created by persons presently having an interest in the property and are not based on economic consideration alone. The Centre Village Building is a large building that fronts three streets (7<sup>th</sup> Street South, 5<sup>th</sup> Avenue South, and 8<sup>th</sup> Street South). In most cases, out of town guests trying to find the building will not be able to see two of the tall wall signs simultaneously. The third wall sign will allow for additional way finding assistance for those not familiar with Downtown Minneapolis that are trying to find the hotel.

**Variance to increase the number of walls signs permitted (from one to two) for a building wall when the building exceeds six stories or 84 feet in a downtown district.**

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. These circumstances were not created by persons presently having an interest in the property and are not based on economic consideration alone. The Centre Village Building is a large mixed use building in Downtown Minneapolis, with two of the major uses on the upper floors (hotel on floors 8-14 and the condominiums on floors 15-24). A high rise building with multiple uses on the upper floors is not typical in Minneapolis. In addition, a hotel use is different to other uses in downtown due to a high percentage of the users of the building being unfamiliar with the area.

**Variance to allow for an increase in the maximum height of a projecting sign from 28 feet to 31 feet.**

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Practical difficulties do not exist for this variance request in complying with the ordinance. The applicant is requesting to install a projecting wall sign that is three feet taller than what is allowed by the code. The applicant states that this is to provide better visibility at street level. However, the zoning code's 28 foot height maximum is sufficient to provide good visibility for vehicle and pedestrian traffic. In addition, unique circumstances do not exist for this property to support the height requirement. The applicant is able to install the projecting sign at the same building location, just three feet lower.

**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.**

**Variance to increase the number of wall signs permitted for buildings higher than six stories or 84 feet from two to three:**

The 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 zoning code recognizes that certain buildings and uses have unique identification needs. Historically, hotels have had/have been allowed to have taller wall signs to assist out-of-town guests with way finding. The third taller sign is a reasonable request due to the fact that in most cases, out of town guests trying to find the building will not be able to see two of the tall wall signs simultaneously. In addition, Centre Village has had three taller wall signs for the building's hotel use since at least 1991. The taller wall signs will also be supportive of the Comprehensive Plan's policies of supporting the downtown hospitality industry (4.12) and strengthening downtown's position as a regional commercial center that serves downtown visitors (4.16).

**Variance to increase the number of walls signs permitted (from one to two) for a building wall when the building exceeds six stories or 84 feet in a downtown district.**

The 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. Centre Village has had both the building identification sign at the top of the building and a taller wall sign for the hotel since 1991. Allowing the applicant to maintain both of these taller wall signs on three elevations is a reasonable request and will help with way finding, in particular for out-of-town hotel guests. The taller wall signs will also be supportive of the Comprehensive Plan's policies of supporting the downtown hospitality industry (4.12) and strengthening downtown's position as a regional commercial center that serves downtown visitors (4.16).

**Variance to allow for an increase in the maximum height of a projecting sign from 28 feet to 31 feet.**

The applicant's requested variance for an increase in height for a projecting sign is not in keeping with the spirit and intent of the zoning ordinance. The applicant is able to maintain the size of the sign and place it in the same general location as proposed while meeting the zoning code height requirements for projecting signs. The proposed 15'6" tall projecting sign at 28 feet in height (measured at the top of the sign) will provide ample visibility for visitors traveling by car not familiar with the area.

**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.**

**Variance to increase the number of wall signs permitted for buildings higher than six stories or 84 feet from two to three:**

Granting 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. Centre Village has had upper story, wall signs on the building since at least 1991. The applicant is proposing to maintain this configuration and reduce the size of the wall signs compared to existing conditions. The signs will not be detrimental to the enjoyment of other property in the vicinity, in particular the adjacent properties, as they will be directly facing surface parking lots. In addition, the taller height of the signs will be less visible for residents in the neighboring Sexton Building that have windows on their west elevation.

**Variance to increase the number of walls signs permitted (from one to two) for a building wall when the building exceeds six stories or 84 feet in a downtown district.**

Granting 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. Centre Village has had two wall signs higher than 28 feet on three of the building's elevations since at least 1991. The applicant is proposing to maintain this configuration. In addition, the applicant will be reducing the size of the hotel signs from 190 square feet to 156 square feet. The signs will not be detrimental to the enjoyment of other property in the vicinity, in particular the adjacent properties, as they will be directly facing surface parking lots. In addition, the taller height of the signs will be less visible for residents in the neighboring Sexton Building that have windows on their west elevation.

**Variance to allow for an increase in the maximum height of a projecting sign from 28 feet to 31 feet.**

Granting the proposed variance to allow the maximum height of a projecting sign to be increased from 28 to 31 feet will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity in this case. Granting of the variance, however, may lead to additional variance requests for applicant's interested in increasing the height of a projecting sign, which could impact the welfare of the general public.

**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.**

**Wall sign variances:** The applicant's proposal to replace the hotel's existing 190 square foot wall signs that are on the 8<sup>th</sup> floor with 156 square foot wall signs on the 14<sup>th</sup> floor will not lead to sign clutter in the area. The applicant's proposal will actually be reducing the square footage of signage

on the building. The sign adjustment will be consistent with the purpose of the zoning district in which the property is located. The Minneapolis zoning code recognizes that certain buildings uses, such as downtown hotels, often require taller wall signs for identification purposes for out-of-town guests.

**Projecting sign variance:** The applicant's proposal to install a projecting sign that will be 31 feet in height rather than the allowed 28 feet in height may not lead to sign clutter in the area, however, it is not consistent with the purpose of the zoning district in which the property is located. The purpose of the sign regulations is 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 applicant is able to meet the zoning district's requirement of 28 feet. At this height, the projecting sign will be consistent with the other projecting signs on the building (including two on the 5<sup>th</sup> Avenue elevation) and will still allow for ample visibility for people traveling to the hotel. The Centre Hotel has a total of five projecting signs. Although, the zoning code does not have a maximum for the number of projecting signs for a building, maintaining a consistent height maximum will help minimize visual clutter.

- 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.**

**Wall sign variances:** The sign adjustment will allow for the proposed wall signs to relate to the architectural character of the building and property on which the sign will be located. Centre Village is a 25-story building that takes up half of a downtown block. Allowing for the 156 square foot wall sign on the 14<sup>th</sup> floor for three elevations will break up the large amount of the grey masonry on the building, and continue to assist in creating a base, middle and top for the building. The proposed signs are able to relate to the building and meet Minneapolis zoning code size, design, and illumination requirements for taller wall signs in downtown districts. The proposed signs will be 156 square feet which is 144 square feet less than what is allowed. The vertical distance of the signs will be 3.5 feet tall, which is less than the 14 foot vertical distance requirement, and the signs meet the requirement of being individual letters and elements that are internally illuminated. At night, when the letters are illuminated, they will be white. During the day, when the sign is not lit, the letters will be black.

**Projecting sign variance:** The proposed signs will meet most Minneapolis zoning code requirement for projecting signs including size, extension from the building, and illumination requirements. The proposed 26-square foot, internally illuminated projecting sign is under the 48 square foot requirement. The sign would project 2'2" from the building, which is less than the 4' maximum.

However, the sign adjustment as proposed will not relate to the size and character to the function and architectural character of the Centre Village. The 5<sup>th</sup> Avenue elevation currently contains two projecting signs that meet the zoning district's 28-foot height requirement. Requiring that the proposed sign meet the zoning district requirement will help the proposed sign relate to the other projecting signs on the 5<sup>th</sup> Avenue elevation in terms of height. This will provide a more consistent appearance than allowing for a taller projecting sign.

**RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development for the Conditional Use Permit:**

The Community Planning and Economic Development Department recommends that the Planning Commission adopt the above findings and **approve** the application to allow wall signs to exceed the maximum height allowed for buildings that exceeds 6 stories or 84 feet in a downtown district.

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building/sign permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. All former hotel signs shall be removed prior to the installation of new hotel signs.

**Recommendation of the Department of Community Planning and Economic Development for the Variance:**

The Community Planning and Economic Development Department recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the number of wall signs permitted (from two to three) for an individual building use when the building exceeds six stories or 84 feet in a downtown district for the property at 425 7<sup>th</sup> Street South.

**Recommendation of the Department of Community Planning and Economic Development for the Variance:**

The Community Planning and Economic Development Department recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the number of wall signs permitted (from one to two) for a building wall when the building exceeds six stories or 84 feet in a downtown district for the property at 425 7<sup>th</sup> Street South.

**Recommendation of the Department of Community Planning and Economic Development for the Variance:**

The application for a variance to increase the maximum size of a wall sign from 120 square feet to approximately 156 square feet has been **withdrawn**.

**Recommendation of the Department of Community Planning and Economic Development for the Variance:**

The Community Planning and Economic Development Department recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to increase the maximum height of a projecting sign from 28 feet to 31 feet for the property at 425 7<sup>th</sup> Street South.

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**Attachments:**

1. Applicant's project purpose and statement to the findings
2. City council and neighborhood notification
3. Zoning map
4. Plan set: Centre Village signs, survey, elevations, site plan, 14<sup>th</sup> floor wall signs, building rendering with signs, projecting sign
5. Aerials and building photos
6. Public comments