

**Department of Community Planning and Economic Development**  
Conditional Use Permit and Variances  
BZZ-6168

**Date:** September 16, 2013

**Applicant:** Nordquist Signs

**Address of Property:** 19 8<sup>th</sup> Street South

**Project Name:** Fox Sports North Dynamic Sign

**Contact Person and Phone:** Chuck Hesse, (612) 823-7291

**CPED Staff and Phone:** Shanna Sether (612) 673-2307

**Date Application Deemed Complete:** August 2, 2013

**End of 60-Day Decision Period:** October 1, 2013

**Ward:** 7      **Neighborhood Organization:** Downtown Minneapolis Neighborhood Association

**Existing Zoning:** B4-2 Downtown Business District

**Existing Overlay District:** DP Downtown Parking Overlay District

**Zoning Plate Number:** 19

**Proposed Use:** New dynamic sign

**Concurrent Review:**

- Conditional use permit to allow for a dynamic sign.
- Variance to increase the maximum height of a dynamic sign from 14 feet to 25 feet.
- Variance to increase the maximum area of a dynamic sign from 32 square feet to 105 square feet.

**Applicable Code Provisions:** Chapter 525

**Background:** This application was continued from the August 26, 2013, city planning commission to allow staff time to review updated material provided by the applicant, including proposed images of the dynamic sign. After review, staff has determined that the proposed sign copy is consistent with the definition of an on-premise sign.

The subject property is LaSalle Plaza, which is an irregular shaped zoning lot with frontage along Hennepin Avenue, 8<sup>th</sup> Street South, LaSalle Avenue and 9<sup>th</sup> Street South. The subject property is located in the B4-2 Downtown Business District. Fox Sports North, classified as a radio or television station in the zoning ordinance, is located on the second floor of LaSalle Plaza. They have proposed to add a new

dynamic sign on the second floor of the existing building at the corner of 8<sup>th</sup> Street South and Hennepin Avenue. A dynamic sign is defined as a sign, or any element of a sign, which provides the ability to change text or images, or exhibits changing effects in order to provide intermittent illumination or the illusion of such illumination, or any series of imagery or display which may appear to move or change, including changes produced by any electronic method.

A dynamic, on-premise sign in the B4-2 Downtown Service District requires a conditional use permit. A dynamic sign in the Downtown Entertainment Area is a permitted use. The Downtown Entertainment Area sign regulations shall govern all uses that have their main public entrance facing Hennepin Avenue within the following locations: (a) The north side of Hennepin Avenue between Tenth Street and Fifth Street, and (b) The south side of Hennepin Avenue between Ninth Street and Sixth Street. LaSalle Plaza has a main entrance from Hennepin Avenue between 8<sup>th</sup> and 9<sup>th</sup> Street; however, the proposed sign will be located on the corner of Hennepin Avenue and 8<sup>th</sup> Street South and has been deemed to be outside of the Downtown Entertainment Area. Therefore, the proposed dynamic sign requires a conditional use permit.

The proposed dynamic sign would be 105 square feet in area and 25 feet above grade, measured to the top of the sign. The maximum height shall not exceed 14 feet and the maximum area of a dynamic sign shall not exceed 32 square feet. Therefore, the applicant has requested two variances to allow for the proposed height and area of the dynamic sign.

Staff has received a letter denying support for the requested land use applications to allow for the proposed dynamic sign from the Downtown Minneapolis Neighborhood Association. Staff will forward additional comments, if any are received, at the Board of Adjustment meeting.

**CONDITIONAL USE PERMIT: (to allow a dynamic sign in the B4-2 District)**

**Findings as required by the Minneapolis Zoning Code:** The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The applicant is proposing to locate a new dynamic sign 25 feet in height and 102 square feet in area, at the corner of 8<sup>th</sup> Street South and Hennepin Avenue. The proposed sign would be directed towards southbound traffic on Hennepin Avenue and the City Place Lofts at the opposite corner. The proposed dynamic sign would be illuminated and the sign copy would be allowed to change every 60 seconds. The proposed sign would not comply with the specific standards for the maximum height and area allowed for dynamic signs and the applicant is requesting variances to allow for the 25 foot tall, 102 square foot sign. Staff has concerns that the type, location, height and area of the sign may be detrimental to public health, safety, comfort or general welfare.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for**

**uses permitted in the district.**

The adjacent area is fully developed and surrounded by commercial and residential uses. The addition of a dynamic sign that meets all zoning code standards should have no negative impacts on surrounding properties. However, allowing a taller and larger dynamic sign to be placed at the corner, facing residential uses would not be consistent with City policies that ensure appropriate transitions between uses and encourage pedestrian oriented development.

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

The utilities, access, drainage, and other facilities are existing and adequate and should not be impacted by the proposed sign.

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

The addition of a dynamic sign would not have an impact on traffic congestion in the public streets.

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

*The Minneapolis Plan for Sustainable Growth* states the following about signs. “Sign design needs to balance the desire to convey information with a need to maintain visual aesthetics so signage is not intrusive. The scale of signage should be geared toward the pedestrian and less to the automobile. Unique signage that incorporates unusual materials or designs is encouraged.”

*The Minneapolis Plan for Sustainable Growth* has the following policies for signs:

**Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.**

1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

1.2.2 Ensure that lighting and signage associated with non-residential uses do not create negative impacts for residential properties.

1.2.3 Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.

**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.

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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.

10.20.3 Develop incentives for exceptional sign design and style, including a special review process to ensure appropriate location, size, height and compatible design to the architecture of the building and other signage.

10.20.4 Develop a consistent, city-wide wayfinding signage design and maintenance plan for neighborhoods, trails, etc.

**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.

10.21.3 Encourage effective signage that is appropriate to the character of the city's historic districts and landmarks, and preserves the integrity of historic structures.

The proposed dynamic sign would be located at the corner of 8<sup>th</sup> Street South and Hennepin Avenue. The sign would be directed towards southbound traffic on Hennepin Avenue and the mixed-use building at 730 Hennepin Avenue called City Place Lofts. City Place Lofts is an historic building listed on the National Register of Historic Places and was recently converted to add commercial uses on the first floor and 55 dwelling units above. The proposed dynamic sign would be illuminated and the sign copy would be allowed to change every 60 seconds. The proposed sign requires a conditional use permit for the location and variances to increase the maximum height and area allowed. Further, staff has concerns that the proposed dynamic sign may easily be converted or would allow for off-premise advertising. The subject site is outside of the Downtown Entertainment Billboard District and off-premise advertising is prohibited. Staff finds that the proposed sign is inconsistent with the above policies of the comprehensive plan.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this conditional use permit.**

The minimum lot area for a property with a dynamic sign is 12,000 square feet and the zoning lot is approximately 102,428 square feet. One dynamic sign is allowed and one is proposed. The sign is required to be a minimum of 100 feet from the nearest residence or office residence district and part of a lot that has 660 feet of contiguous commercial, downtown or industrial zoning on the same side of the street. Both of these requirements have been satisfied. The following additional provisions apply:

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- *Height.* Notwithstanding Table 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts, the maximum height of a dynamic sign attached to a building shall be fourteen (14) feet, or top of wall, whichever is less.

*Staff comment:* The sign would exceed the maximum height of 14 feet to the top of the sign. The applicant is requesting a variance to increase the maximum height for the proposed sign from 14 feet to 25 feet.

*Size.* Dynamic signs shall not exceed thirty-two (32) square feet. Dynamic signs shall be included in the calculation of the total permitted sign area.

*Staff comment:* The proposed dynamic sign would be approximately 105 square feet in area. The applicant has applied for a variance to increase the maximum area for a dynamic sign from 32 square feet to approximately 105 square feet.

- *Duration of message.* The sign message shall remain static for a period of not less than sixty (60) seconds. The transition from one (1) message to the next shall be direct and immediate, without any special effects.

*Staff comment:* The message will remain static for a minimum of 60 seconds and will transition with no special effects.

- *Image characteristics and transition.* Dynamic signs shall have a pitch of not greater than twenty (20) millimeters between each pixel. Special effects, including but not limited to dissolving, fading, scrolling, starbursts and wiping shall be prohibited.

*Staff comment:* The sign will have a pixel spacing of 20 mm or less and no special effects.

- *Luminance.* Between sunrise and sunset the maximum luminance shall be five thousand (5,000) nits and between sunset and sunrise the maximum luminance shall be five hundred (500) nits. All signs with a dynamic display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement. Except for Institutional and Public Uses, the dynamic sign shall not display messages or be illuminated when the use is closed.

*Staff comment:* The sign will have a maximum luminance of 5,000 nits between sunrise and sunset and 500 nits at all other times. If approved, the dynamic sign would comply with all of the luminance standards.

**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 or conditional use permits:**

- 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 subject site is within the Downtown Entertainment Area and supports larger scale signage and the addition of this sign will not lead to sign clutter. The sign would be directed towards southbound traffic on Hennepin Avenue and the mixed-use building at 730 Hennepin Avenue called City Place Lofts. City Place Lofts is an historic building listed on the National Register of Historic Places and was recently converted to add commercial uses on the first floor and 55 dwelling units above. The proposed dynamic sign would be illuminated and the sign copy would be allowed to change every 60 seconds. The proposed sign requires a conditional use permit for the location and variances to increase the maximum height and area allowed. The zoning code regulations governing on-premise signs were 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. Further, staff has concerns that the proposed dynamic sign may easily be converted or would allow for off-premise advertising. The subject site is outside of the Downtown Entertainment Billboard District and off-premise advertising is prohibited. Staff finds that the proposed sign is inconsistent with the purpose and intent of the zoning code and City policies that ensure appropriate transitions between uses and encourage pedestrian oriented development.

- 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.**

Staff finds that the sign will relate in shape, material, color and character of the building on the property; however, the proposed sign will be out of scale at the pedestrian level and the illumination of the dynamic sign may impact the adjacent properties. The signs will be professionally installed with quality materials.

**VARIANCES:** (1) to increase the maximum height of a dynamic sign from 14 feet to approximately 25 feet; (2) to increase the maximum area of a dynamic sign from 32 square feet to approximately 105 square feet.

- 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.**

**Sign height variance:** The circumstances of the variances to increase the maximum height of a dynamic sign from 14 feet to 25 feet are not unique to the parcel and have been created by the applicant. The applicant has stated that the proposed sign height is to allow for signage to identify the use on the second floor and to allow for effective identification above the existing canopies for Capital Grille on the first floor of the existing building without conflicting with the skyway between LaSalle Plaza and the Carmichael Lynch Advertising Company building. Staff has identified individual window signs for Fox Sports North on the second floor along 8<sup>th</sup> Street South. Further, a wall sign in the B4-2 District would increase to 28 feet in the same location or

if a wall sign were located on the Hennepin Avenue façade, the sign would be exempt from the maximum sign height allowed. Staff finds that the applicant has alternative design options to allowing for effective identification of the existing use that would not require a variance.

**Sign area variance:** The circumstances of the variance to increase the maximum area of the proposed dynamic sign are not unique to the parcel and have been created by the applicant. The applicant states that the proposed sign area is consistent with signage that would be permitted in the Downtown Entertainment Area, which allows for signage at a larger scale. A wall sign in the B4-2 District would increase to 120 feet in the same location or if a wall sign were located on the Hennepin Avenue façade, the maximum sign area would be increased to 300 square feet. Staff finds that the applicant has alternative design options to allowing for effective identification of the existing use that would not require a variance.

- 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.**

**Both variances:** The applicant is seeking variances to increase the maximum permitted height from 14 feet to 25 feet and area from 32 square feet to 105 square feet for a proposed dynamic sign. The applicant states that the subject property is located within the Downtown Entertainment Area which would allow for larger scale signage. The Downtown Entertainment Area sign regulations shall govern all uses that have their main public entrance facing Hennepin Avenue within the following locations: (a) The north side of Hennepin Avenue between Tenth Street and Fifth Street, and (b) The south side of Hennepin Avenue between Ninth Street and Sixth Street. LaSalle Plaza has a main entrance from Hennepin Avenue between 8<sup>th</sup> and 9<sup>th</sup> Street; however, the proposed sign will be located on the corner of Hennepin Avenue and 8<sup>th</sup> Street South and has been deemed to be outside of the Downtown Entertainment Area. The zoning code regulations governing on-premise signs were 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. Staff finds that the proposed sign is inconsistent with the purpose and intent of the zoning code and City policies that ensure appropriate transitions between uses and encourage pedestrian oriented development.

- 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.**

**Both variances:** The proposed signage may alter the essential character and be injurious to the use or enjoyment of property in the vicinity. The applicant is proposing to locate a new dynamic sign 25 feet in height and 102 square feet in area, at the corner of 8<sup>th</sup> Street South and Hennepin Avenue. The proposed sign would be directed towards southbound traffic on Hennepin Avenue and the City Place Lofts at the opposite corner. The proposed dynamic sign would be illuminated and the sign copy would be allowed to change every 60 seconds. The proposed sign would not comply with the specific standards for the maximum height and area allowed for dynamic signs and the applicant is requesting variances to allow for the 25 foot tall, 102 square foot sign. Staff

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has concerns that the type, location, height and area of the sign may be detrimental to public health, safety, comfort or general welfare.

**RECOMMENDATIONS:**

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings and **deny** the conditional use permit to allow for a new dynamic wall sign for LaSalle Plaza at 19 8<sup>th</sup> Street South in the B4-2 Downtown Business District and DP Downtown Parking Overlay District.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings and **deny** the variance to increase the maximum height of a new dynamic sign from 14 feet to 25 feet for LaSalle Plaza at 19 8<sup>th</sup> Street South in the B4-2 Downtown Business District and DP Downtown Parking Overlay District.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings and **deny** the application for a to increase the maximum area of a new dynamic sign from 32 feet to 105 square feet for LaSalle Plaza at 19 8<sup>th</sup> Street South in the B4-2 Downtown Business District and DP Downtown Parking Overlay District.

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Letters to Council Member Goodman and Downtown Minneapolis Neighborhood Association
- 3) Correspondence
- 4) Zoning map
- 5) Site Plan
- 6) Sign plan
- 7) Photos