

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Variances
BZZ-4539

Date: October 26, 2009

Applicant: Augsburg College

Address of Property: 801 21st Avenue South

Project Name: Mortensen Hall Signs

Contact Person and Phone: David Draus, (612) 330-1033

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: September 29, 2009

End of 60-Day Decision Period: November 28, 2009

End of 120-Day Decision Period: Not applicable for this application

Ward: 2 Neighborhood Organization: West Bank Community Coalition

Existing Zoning: OR3, Institutional Office Residence District and UA University Area Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 21

Legal Description: Not applicable for this application

Proposed Use: College

Concurrent Review:

Conditional use permit: to allow four wall signs notwithstanding the height and area limits of Table 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts. Two of the wall signs will measure approximately 171 square feet and the other two wall signs will measure approximately 154 square feet. All four of the signs will be installed at a height approximately 153 feet above grade.

Variance: to increase the number of wall signs permitted under the conditional use permit from two to four.

Variance: to allow three of the four signs to be placed on a non-primary building wall.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits and Chapter 525, Article IX, Variances, specifically Section 525.520(21) “to vary the number, type, height, area or

location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district, pursuant to Chapter 543, On-Premise Signs”.

Background: In 1979 the Minneapolis City Council approved a conditional use permit (C-621) to allow Augsburg College to implement a staged comprehensive identification sign program over a series of five years. As part of this comprehensive identification sign program three types of signs would be installed around the campus: directional signs, identification signs and information signs. This comprehensive identification sign program did not permit wall signs to be placed at the top of Mortensen Hall. In 1987 the Minneapolis City Council approved a conditional use permit (C-1065) to allow Augsburg College to install two wall signs on the penthouse of Mortensen Hall. The signs were located on the east and west facades of the building. One of the signs measured approximately 88 square feet and the other sign measured approximately 188 square feet. Then in 1988 the Minneapolis City Council approved another conditional use permit (C-1118) to allow Augsburg College to install two more wall signs on the penthouse of Mortensen Hall. These signs were located on the north and south facades of the building and both measured approximately 188 square feet.

Today, Augsburg College is applying for a conditional use permit to install four new signs on the penthouse of Mortensen Hall. The proposed signs would replace the existing signs which are painted plywood signs illuminated by a series of flood lights. The new signs would be made up of individual letters that are internally illuminated. Because the signs will be internally illuminated the existing flood lights would be removed. The applicant has indicated that with this change there will be less lumens emitted.

The applicant has indicated that the signs are being replaced for two reasons. First, the painted plywood signs are falling apart and need to be replaced. And second, the college’s logo has changed so the new signs will reflect the new branding. Two of the signs, located on the north and south facades of the building, will measure approximately 171 square feet and will read “Augsburg”. The other two signs, located on the east and west facades of the building will measure approximately 154 square feet and will read “Augsburg College”. All four of the signs will be installed at a height approximately 153 feet above grade.

In the OR3 zoning district wall signs are limited to 180 square feet and the height limitation is 14 feet above the ground. However, the on-premise sign chapter recognizes that taller buildings may have unique identification needs and therefore authorizes a conditional use permit to allow two wall signs on a building notwithstanding the height and area limitations of the zoning code. The applicant has applied for a conditional use permit to allow four wall signs to be placed on the penthouse of Mortensen Hall. Since the conditional use permit only allows two wall signs the applicant has applied for a variance to have four signs on the building and a variance to allow three of the four signs to be placed on a non-primary building wall.

CONDITIONAL USE PERMIT - to allow four wall signs notwithstanding the height and area limits of Table 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts. Two of the wall signs will measure approximately 171 square feet and the other two wall signs will measure approximately 154 square feet. All four of the signs will be installed at a height approximately 153 feet above grade.

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that allowing the installation of four wall signs, two of which will measure approximately 171 square feet and the other two which will measure approximately 154 square feet, and all installed at a height approximately 153 feet above grade, would be detrimental to or endanger the public health, safety, comfort or general welfare. The four proposed wall signs will replace the four existing wall signs located at the top of Mortensen Hall.

2. The conditional use 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 Planning Division does not believe that allowing the installation of four wall signs, two of which will measure approximately 171 square feet and the other two which will measure approximately 154 square feet, and all installed at a height approximately 153 feet above grade, would be injurious to the use and enjoyment of other property in the area. The proposed signs would replace the existing signs which are painted plywood signs illuminated by a series of flood lights. The new signs would be made up of individual letters that are internally illuminated. Because the signs will be internally illuminated the existing flood lights would be removed. The applicant has indicated that with this change there will be less lumens emitted.

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

The applicant will be working closely with the Plan Review Section of the Inspections Department and the various utility companies during the installation of the wall signs to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

Replacing the four existing wall signs located at the top of Mortensen Hall with four similar signs will not impact traffic congestion in the public streets.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

The site is located on the Augsburg College campus between Riverside Avenue and Interstate 94. The site is designated as Public/Institutional. Riverside Avenue is designated as a Commercial Corridor. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Provide sufficient lighting to reflect community character, provide a comfortable environment in a northern city and promote environmentally friendly lighting systems (Urban Design Policy 10.17).
- Promote an attractive environment by minimizing visual clutter and confusion caused by a proliferation of signage (Urban Design Policy 10.20).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*. The proposed signs would replace the existing signs which are painted plywood signs illuminated by a series of flood lights. The new signs would be made up of individual letters that are internally illuminated. Because the signs will be internally illuminated the existing flood lights would be removed. The applicant has indicated that with this change there will be less lumens emitted.

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 variances the development will meet the applicable regulations of the zoning district.

VARIANCE - to increase the number of wall signs permitted under the conditional use permit from two to four

Findings as Required by the Minneapolis Zoning Code for the Variance:

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

Number of signs: The applicant is seeking a variance to increase the number of wall signs permitted under the conditional use permit from two to four. The four proposed signs would replace the existing four signs which were approved by the Minneapolis City Council in 1987 and 1988. The applicant has indicated that since the signs were installed the building has acted as a way-finding landmark for the college and the general public.

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.

Number of signs: The fact that there are four existing signs located at the top of Mortensen Hall is a unique circumstance of this parcel of land.

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.

Number of signs: The intent of the ordinance is to prevent sign clutter and to limit the number of signs that can be placed on a building higher than six stories or 84 feet. The Planning Division believes that since the college is simply replacing four existing signs with four new signs and not increasing the overall amount of signage on the building that approving 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.

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.

Number of signs: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

543.420. Approval criteria. Adjustments to the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district may be approved if the following criteria are met:

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 Planning Division does not believe that replacing four existing signs with four new signs would lead to sign 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.

Mortensen Hall is over 100,000 square feet in size and 153 feet in height. There is approximately 652 square feet of signage at the top of Mortensen Hall. The proposed sign plan would have approximately 652 square feet of signage at the top of Mortensen Hall. The proposed signs would replace the existing signs which are painted plywood signs illuminated by a series of flood lights. The new signs would be made up of individual letters that are internally illuminated. Because the signs will be internally illuminated the existing flood lights would be removed. The applicant has indicated that with this change there will be less lumens emitted.

VARIANCE - to allow three of the four signs to be placed on a non-primary building wall

Findings as Required by the Minneapolis Zoning Code for the Variance:

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

Sign location: The applicant is seeking a variance to allow three of the four signs to be placed on a non-primary building wall. The four proposed signs would replace the existing four signs which were approved by the Minneapolis City Council in 1987 and 1988. The four proposed signs would be installed in the same location as the four existing signs. The applicant has indicated that since the signs were installed the building has acted as a way-finding landmark for the college and the general public.

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.

Sign location: The fact that three of the four existing signs are located on a non-primary building wall at the top of Mortensen Hall is a unique circumstance of this parcel of land.

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.

Sign location: The intent of the ordinance is to prevent sign clutter and to limit the number of signs that can be placed on a building higher than six stories or 84 feet. The Planning Division believes that since the college is simply replacing four existing signs with four new signs and not increasing the overall amount of signage on the building that approving 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.

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.

Sign location: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

543.420. Approval criteria. Adjustments to the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district may be approved if the following criteria are met:

- 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 Planning Division does not believe that replacing four existing signs with four new signs in their same location would lead to sign 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.**

Mortensen Hall is over 100,000 square feet in size and 153 feet in height. There is approximately 652 square feet of signage at the top of Mortensen Hall. The proposed sign plan would have approximately 652 square feet of signage at the top of Mortensen Hall. The proposed signs would replace the existing signs which are painted plywood signs illuminated by a series of flood lights. The new signs would be made up of individual letters that are internally illuminated. Because the signs will be internally illuminated the existing flood lights would be removed. The applicant has indicated that with this change there will be less lumens emitted.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow four wall signs notwithstanding the height and area limits of Table 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, two of the wall signs will measure approximately 171 square feet and the other two wall signs will measure approximately 154 square feet and all four of the signs will be installed at a height approximately 153 feet above grade located at 801 21st Avenue South subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building 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. Approval of the final sign plans by the Department of Community Planning and Economic Development – Planning Division

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to increase the number of wall signs permitted under the conditional use permit from two to four located at 801 21st Avenue South.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to allow three of the four signs to be placed on a non-primary building wall located at 801 21st Avenue South.

Attachments:

1. Statement of proposed use
2. Conditional use permit and variance findings
3. Elevations and photo simulations of the building showing the location of the proposed signs
4. September 29, 2009, letter to Council Member Gordon and the West Bank Community Coalition
5. Zoning Map
6. Site plan and building elevations
7. Sign plans/details
8. Photos of the building and the existing signage