

ZONING DIVISION STAFF REPORT

November 6, 2019



PREPARED FOR THE URBAN DESIGN COMMISSION

Project Address: 441 N. Frances Street
Project Name: The Hub
Application Type: Approval for an Alteration to an Approved Comprehensive Design Plan
Legistar File ID # [57742](#)
Prepared By: Chrissy Thiele, Zoning Inspector
Reviewed By: Matt Tucker, Zoning Administrator

The applicant is requesting an amendment to a previously approved Comprehensive Design Review. The Urban Design Commission approved the original Comprehensive Design Plan on November 19, 2014, identifying specific areas for signage, with one sign allowed for each tenant. In addition, the tenant located at the corner of Frances and State is allowed one wall sign and one blade sign per façade. On January 27, 2016, UDC approved an alteration to the CDR, to allow for a projecting sign for a tenant space recessed on North Frances Street (*Salads Up*). On July 27, 2016, UDC approved a modification to the CDR, allowing one tenant space that was occupied by two businesses (*Tailgate* and *Don't Ask Why*) to have their own signs in separate designated signable areas. This development is located in the Downtown Commercial (DC) district and fronts North Frances Street (2 lanes, 25 mph), State Street (2 lanes, 25 mph), and West Gilman Street (1 lane, 25 mph). In addition to having a CDR, Downtown Urban Design Guidelines apply.

Pursuant to Section 31.043(4)(b), MGO, the UDC shall apply the following criteria upon review of an application for a Comprehensive Sign Plan:

1. *The Sign Plan shall create visual harmony between the signs, building(s), and building site through unique and exceptional use of materials, design, color, any lighting, and other design elements; and shall result in signs of appropriate scale and character to the uses and building(s) on the zoning lot as well as adjacent buildings, structures and uses.*
2. *Each element of the Sign Plan shall be found to be necessary due to unique or unusual design aspects in the architecture or limitations in the building site or surrounding environment; except that when a request for an Additional Sign Code Approval under Sec. 31.043(3) is included in the Comprehensive Design Review, the sign(s) eligible for approval under Sec. 31.043(3) shall meet the applicable criteria of Sec. 31.043(3), except that sign approvals that come to Comprehensive Design Review from MXC and EC districts pursuant to 31.13(3) and (7) need not meet the criteria of this paragraph.*
3. *The Sign Plan shall not violate any of the stated purposes described in Sec. 31.02(1) and 33.24(2).*
4. *All signs must meet minimum construction requirements under Sec. 31.04(5).*
5. *The Sign Plan shall not approve Advertising beyond the restrictions in Sec. 31.11 or Off-Premise Directional Signs beyond the restrictions in Sec. 31.115.*
6. *The Sign Plan shall not be approved if any element of the plan:*
 - a. *presents a hazard to vehicular or pedestrian traffic on public or private property,*
 - b. *obstructs views at points of ingress and egress of adjoining properties,*
 - c. *obstructs or impedes the visibility of existing lawful signs on adjacent property, or*
 - d. *negatively impacts the visual quality of public or private open space.*

7. *The Sign Plan may only encompass signs on private property of the zoning lot or building site in question, and shall not approve any signs in the right of way or on public property.*

Number of Signable Areas Permitted by Sign Ordinance: Sec. 31.07(2)(a)1. states for buildings with more than one occupant side-by-side, the signable area may be divided for building occupants when the building facade is divided by architectural details or internal segmentation that designating separate horizontal occupancies or tenant spaces. Each occupant/tenant will be allowed a signable area as reasonably close to its space as possible. The approved CDR also states there shall be one sign per tenant space. Per the sign ordinance, above-canopy signs may only be channel letters and a logo element. This CDR allows either an internally-illuminated cabinet or channel letters.

Proposed Canopy Signage: The applicant would like to have a second sign for a separate incidental business (*Smile Direct Club*) located inside the tenant space that already has an above canopy sign for the principal business (*KAMPS Fitness*). This sign is an internally-illuminated cabinet placed atop a canopy, which is above the door that leads directly to the offices.

Staff Comments: This CDR was created principally to allow the large HUB sign for the apartment portion of the building, which did not comply with the sign code requirements. The CDR limits signage opportunities on other areas of the building, but generally allows for one signable area (wall or canopy) for each potential tenant space. As tenant spaces were filled, some tenant spaces have been conjoined, and thus not all the potential signable areas are eligible or needed for signage. In this case, *KAMPS Fitness* previously had a juice bar, which was removed and replaced with two offices for *KAMPS Fitness*, per the building permit issued on 1/2/2019 (BLDNCC-2018-17730). *Smile Direct Club* has been using the office spaces since the spring of 2019. *Smile Direct Club* is not a separate occupant or tenant, and thus is not eligible to place a sign in a separate signable area from the signable area eligible for *KAMPS Fitness*. The area of the tenant space that is occupied by *Smile Direct Club* is small in comparison to the larger *KAMPS Fitness* tenant space, but is similarly sized to accessory spaces inside large-format retail establishments.

Staff inspected the *Smile Direct Club* "office" inside *KAMPS Fitness* tenant space. The *Smile Direct Club* use appears to be an Incidental Use, as defined in the City's Zoning Ordinance, which follows:

28.211, Definitions.

Use, Incidental. *A use that is affiliated with but subordinate to a principal use of land or structure.*

No Zoning Certificate has been issued for this incidental use. The Zoning Office will require the issuance of a Zoning Certificate for this use as a separate matter.

In addition to a wall sign for an occupant/tenant, the sign ordinance allows for buildings 125 in length or longer to have up to four additional accessory signs (Sec. 31.07(6)(a)). Accessory signs are defined in the sign ordinance as "a commercial wall sign on a large building, subordinate in area to the principal sign, located elsewhere than the primary signable area, listing other businesses or generic services or departments in the building, such as pharmacy, optical, auto repair, garden center and excluding product brand names." The code requires the accessory signs to be only wall signs that cannot exceed half the height or half the net area of the largest permitted wall sign. However, the primary sign for this tenant space is an above canopy sign, not a wall sign, and the requested sign for *Smile Direct Club* is also an above canopy sign, not a wall sign. There are no other examples in the City of additional signable areas for multiple principal uses or incidental uses (other than *Tailgate* and *Don't Ask Why*), besides accessory signs at 125'+ length buildings.

The July 27, 2016 UDC report for *Tailgate* and *Don't Ask Why*, the UDC indicated that the applicant should not to make adjustments for each tenant's desires (which has been done the past two times) and expect UDC approval, as these conditions are usually not found to be a unique circumstance to justify an amendment to the CDR. This request basically involves qualifying the *Smile Direct Club* incidental use as eligible to use one of the canopy sign areas, which the code does not allow because only a wall sign may be used as an accessory sign. If approved, none of the regulations associated with accessory signs would apply. The proposed *Smile Direct Club* sign exceeds the height and area limitation for an accessory sign, however the actual lettering for the business would meet the sizing requirements.

In regard to design, the internally-illuminated cabinet is not generally high-design sign. A sign that is channel letters on a raceway or a box sign with a metal routed face for the copy would be a higher design sign, which is typical for UDC to approve when reviewing these types of requests.

Staff recommendation: Staff believes the proposed use should be eligible for signage, however the size and design concerns noted above should be considered by the UDC.

Notes:

1. This tenant space shall obtain a Zoning Certificate for the Incidental Use (*Smile Direct Club*) before any sign permit is issued.
2. The CDR alteration request text shall be revised to refer to this sign as an "accessory sign."