

## AGENDA # 1

City of Madison, Wisconsin

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REPORT OF: URBAN DESIGN COMMISSION	<b>PRESENTED:</b> August 19, 2009
TITLE: 1127, 1291 North Sherman Avenue – Clarification of Planned Commercial Site’s Comprehensive Design Review Sign Plan. 12 <sup>th</sup> Ald. Dist. (11810)	<b>REFERRED:</b> <b>REREFERRED:</b> <b>REPORTED BACK:</b>
AUTHOR: Alan J. Martin, Secretary	<b>ADOPTED:</b> <b>POF:</b>
DATED: August 19, 2009	<b>ID NUMBER:</b>

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Members present were: Richard Wagner, Marsha Rummel, Dawn Weber, John Harrington, Richard Slayton, Jay Ferm, Mark Smith, Ron Luskin and Todd Barnett.

### **SUMMARY:**

At its meeting of August 19, 2009, the Urban Design Commission **GRANTED FINAL APPROVAL** of modifications to a Comprehensive Design Review sign plan located at 1127, 1291 North Sherman Avenue. Appearing on behalf of the project were Thomas Miller, Att. Bill White and Brad Elmer, all representing The Alexander Company. The item under consideration was a required clarification to a recently approved Comprehensive Design Review of signage for the property located at 1127, 1291 North Sherman Avenue. The Comprehensive Design Review (CDR) was originally approved by the Commission in October of 2008 combined with modifications to the building façades and site plan improvements for a Planned Commercial Site/shopping center. Clarification on the continued use of an above-roof graphic for the “Annex” building formerly occupied by an antiques mall was required. The sign plan’s text and architectural drawings note the existing above-roof graphic on the annex building is to be maintained, but the CDR text further notes that “signage proposed by new tenants shall meet current ordinances and be further regulated by the landlord to maintain consistency and design.” The provision that new tenants shall meet current ordinances provides that the changing of use from an antiques mall to a daycare center required the new tenancy under current ordinance standards remove the above-roof graphic. In addition, the sign is “non-conforming” according to the requirements of the Street Graphics Control Ordinance/sign ordinance based on its allowance in only the M1 and M2 Districts; the change in use would also require its removal by ordinance. Presentations by Miller, Att. White and Elmer all representing The Alexander Company emphasized the CDR’s support for maintenance for the sign, which conflicts with the language relevant to new tenants requiring to meet current code requirements. Matt Tucker, Zoning Administrator spoke at length to the need for clarification of the CDR in regards to this issue, where the applicant requested the continuance of the non-conforming above-roof graphic to remain in its current location, to be used as signage by the current tenant until such time that the current tenant is no longer located at, or in operation at this location at the time the current non-conforming sign will be removed, or an application for its continued use will be filed for review. Staff further noted its position for removal and discontinuance of the non-conforming sign. Discussion by the Commission was as follows:

- If the signage was associated with new construction, would be reluctant to approve non-conforming sign.

- Further discussion questioned what could be done to comply with ordinance; staff noted that the above-roof sign could be mounted on the mansard or roof of the building and comply with the ordinance as well as the existing CDR.
- As written the applicant acted in good faith based on the CDR language in regards to maintenance of the above-roof, non-conforming sign.
- OK for this tenant only with compliance for any new tenant.
- A discussion on the design and materials of the sign noted that lighting needs to be directional with full cut-off and night sky compliant.

**ACTION:**

On a motion by Slayton, seconded by Weber, the Urban Design Commission **GRANTED FINAL APPROVAL**. The motion was passed on a vote of (9-0).

The original motion by Slayton, seconded by Weber, to grant final approval based on the signage being approved for a maximum of seven (7) years; if lease changes or new tenancy prior to the end of the seven year period the sign shall be removed and replaced, was amended on a motion by Ferm, seconded by Wagner, to allow for the sign's use by the daycare tenant and daycare tenant only, with its removal upon termination or change of occupancy was approved as an amendment to the original motion on a vote of (9-0). The original motion was then passed on a vote of (9-0). Compliance with night sky lighting and full shielding was also required.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 4, 5, 5, 5, 6 and 6.

**URBAN DESIGN COMMISSION PROJECT RATING FOR: 1127, 1291 North Sherman Avenue**

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
<b>Member Ratings</b>	-	-	-	-	5	-	-	5
	-	-	-	-	6	-	-	6
	-	-	-	-	5	-	-	-
	-	-	-	-	5	-	-	5
	-	-	-	-	5	-	-	5
	-	-	-	-	-	-	-	4
	-	-	-	-	6	-	-	6

General Comments:

- Confusing zoning text! Overall improvements to mall are excellent.
- “Non-conforming” signage approval sets a bad precedent.