



<b>Agenda Item #:</b>	3
<b>Project Title:</b>	2805-2825 University Avenue - Comprehensive Design Review of Signage (CDR) Located in Urban Design District (UDD) 6. 5th Ald. Dist.
<b>Legistar File ID #:</b>	77003
<b>Members Present:</b>	Cliff Goodhart, Chair; Lois Braun-Oddo, Rafeeq Asad, Christian Harper, Amanda Arnold, Shane Bernau, Jessica Klehr, and Russell Knudson
<b>Prepared By:</b>	Jessica Vaughn, AICP, UDC Secretary

## Summary

At its meeting of April 19, 2023, the Urban Design Commission **REFERRED** consideration of a CDR located at 2805-2825 University Avenue in UDD 6. Registered and speaking in support were Marc Nelson and Antonio Piraino.

Matt Tucker, Building Inspection Division Director identified the staff concerns related to the proposal, noting that it doesn't meet the standards for approval or is otherwise locking in details staff does not agree with. The individual in the tenant space is facing a code enforcement case, however limited details in the application are requesting the unwinding of basic requirements of the Sign Code, including that signs are high quality and placed in signable areas, not painted on building walls, and obtained via the CDR process with a complete sign package that deals with all signs on the zoning lot, and a formal decision by the UDC. Staff is recommending that the request be denied.

The applicant is requesting approval of a high level design for a sign painted on the building across architectural details and larger than 40% of the signable area. He stated he has installed signs in Madison before and never had any issues. The sign is intentionally designed to fit the architecture and façade of the building, is necessary due to the distance from the major roadway, and is an effective way to identify the property and represent what they are doing here. He feels the sign meets the guidelines of UDD 6 related to signage. He stated he was given vague directions and never received any direct feedback from City staff. Piraino asked the Commission to consider the bigger picture, that the business is a source of pride and is committed to making a positive impact on the neighborhood. Corporate, brightly-lit signs are more offensive. They have received compliments on the design and quality of the shop inside and out, followed the spirit of the code and considered the community and how it would be viewed. He asked that they don't put the code ahead of the community and the people it is meant to serve.

The Commission discussed the following:

- I see murals that aren't as nicely painted as this. Why is the sign that would fit the required size different than this sign you have painted on your wall?
  - We had a smaller, temporary sign before that no one was able to see. The artist has done many murals around Madison. When you're driving down University Avenue that area of the building is virtually invisible to people. People couldn't see our smaller sign.
- The Jimmy John's monument sign has a different logo? That's the one people would see to get to your business, not your storefront, correct?
  - We had intended on putting the logo on the storefront but given the awkward shape we're limited to a very thin area, and the awning hangs over the front of the building. We opted to put the logo on the door instead.

- I usually defer to Matt on signage. I think this is gorgeous, I live in this neighborhood and am around these buildings all the time. This makes it look like a place. What it was before, Dry Hooch, you would barely know there was an entity in there. Painting the front blue and having signage that is attractive signage is a big deal. The signage out on the street, the one that has Jimmy John's on it, which is easily recognizable. Not a lot of people know what Dark Matter is, so to say that this sign will attract people is enough is a disservice to a small business that is trying to compete with something that is recognizable if a disservice. I believe this part of University Avenue is probably going to change a lot in the next ten years and if we approve this, I don't think we would be approving a sign for the next 100 years. This area is already changing and it's so messed up around there and not very attractive, the signage is all confusing, and this really lands their business and is quite nice to look at. So, I would maybe propose that we do not take Matt's advice. Sorry Matt.
- I'm going to echo Jessica's sentiment. This is a rare case of doing a disservice to the community by what in my understanding would be to be in compliance would be to take what they've done, in a high quality design, and apply it to something that is then attached to the building at 10 square feet less. To me that just doesn't seem to make a negative impact on anyone currently and there's no real advantage to taking those kind of minute steps to make it compliant, minute in that the impact might be minute, but the cost, I am sure, and the effort is more. I agree, I almost don't even see this as so much a sign, it is the one the screen (existing ground sign) that is really the wayfinding sign element, this is more an artistic expression on the façade. With technology these days, people trying to find their way to this place, I don't necessarily buy the argument that whatever is on that façade is what people need to navigate to it, it's going to be more their phone. If anything physical it would be the sign on the screen (existing ground sign). I think it's very artistic and adds to the neighborhood, the streetscape, and to the built environment.
- I'd like to make a motion for approval of this application.
- Before you do that, just recognize that it may be beautiful, and it probably is, I think it is. There is nowhere in the city where we allow signs to be painted on the buildings unless they are legacy signs. And it crosses architectural features, so just because they did it an asked for permission later, and we are looking at it and we are hearing some pretty emotional testimony, we need to really think about the message that we are sending to other CDR applicants.
- I'd like a chance to add a little bit to the motion that I am working out and just state that, and I would be curious because I do see some other hands raised. I would make the motion for approval given a couple of things. I agree with a lot of the comments from other commissioners. I think in this case that yes, we have ordinances and precedents here that we need to be careful and very sensitive to, but we also have a CDR process for this reason. I think there are some conditions and situation where we leverage the CDR and look at some unique cases like this. So, my motion of approval is mostly in the intent of a lot of the testimony given that this is somewhat unique and special case, I do not think that it is necessarily precedent setting. The ordinances are still there for good reason, but in this case my motion would be to approve.

A motion was made by Knudson for approval, seconded by Klehr. Discussion on the motion was as follows:

- (Staff: Tucker) I'd like to remind the Commission of a couple of things, one is that CDRs are reviewed based upon the six criteria for approval. Be very cautious and thoughtful about this approval. Just because the design is there doesn't mean this could be the final design; there is another design that is relatively similar, that could result in a more compliant sign. And this CDR is unworkable for the rest of the regulated signs on this site. We may not have emphasized that enough earlier. We do not have enough detail to administer the CDR for other tenants on this site. So perhaps, if he was moving in that direction and the commission wanted to approve something, they could do that and then recommend referral of other aspects of this because we have to have something that is workable for us.
- When you say it is not workable on other portions of the site, what does that mean?
- (Staff: Tucker) It lacks the detail necessary for staff to be able to administer the CDR effectively for the other regulated signs, because it lacks rules for them. We know it's a little complicated and we explained it, but we

lack those rules and do not know what other signs would be allowed here. It is a requirement of the CDR application.

- (Secretary) My concern is from both a CDR criteria perspective as well as the UDD 6 guidelines and requirements related to signage. If we are moving in the direction of approval, the Commission needs to make actual findings based in those criteria for why the Commission finds that the sign as proposed is consistent with those criteria. This CDR does allow for other signs to be painted on buildings in this planned multi-use site, so every other business subject to this CDR could paint a sign on the exterior building wall. We need to make findings that say that this one is ok, but maybe others are not and why. Staff has a larger hesitation to allow signage painted on buildings because we don't have those criteria. Ideally, in moving forward it would be better to think about amending the sign code to allow for these types of signage or UDD guidelines and requirements to provide us with those nuts and bolts in how we review these types of signage. Right now we absolutely do not have that. If we are going to move in the direction of allowing something like this we need to set that framework with this approval.
- It's weird that signage is more difficult to approve than a new buildings sometimes. There are so many constraints and regulations on signage. These are always some of the most difficult approvals or processes. This is cut and dry, its 10 square feet bigger than it needs to be and goes across architectural elements, but I do understand some of the points that Jessica brought up. So, I am wondering is there a way to compromise? What if it didn't go across that second band, what if it did get smaller in terms of everything outside the left and right of the D and R? What if they brought it down in size so that the size was a little bit more manageable, and that it didn't cross the architectural elements meaning "tattoo" and "gallery" went away? It definitely enhances the façade, it's not a street-facing façade. It is in a parking alley between this and another place. There are some exceptions to be made, that's why the process is there. It enhances the building and the façade, but it does violate existing ordinances so I'm not sure how to move forward.
- (Staff: Tucker) All of those things can happen. We work with folks all the time that modify their facades. They will construct a different façade design to remove architectural details or move them. We work with people to paint their tenant spaces to identify them. We work with people that paint things on boards and then hang them on facades. All of this happens in advance; that is the point. What we have in front of us is an applicant that doesn't want to do that. We will work with them on getting the blue painted, and there will be follow-up to deal with the rest of the enforcement matters. This will not end at this meeting for sure.
- I'm bothered by the fact that this could have been done and probably granted some exceptions to get an end result that looks very similar to this. Did the applicant just do this on their own without checking with the City? Is the landlord somehow complicit in this? I think it's a great looking sign and am curious as to why the City hasn't developed rules governing this kind of signage, but they haven't so that stands. I'm not a fan of the "move fast, break things, ask permission later" way of getting things done because it puts us in a bad position. We've seen it again and again, people that come in front of us with signage issues and always point to other ones and say if they can do it why can't I? I give a ton of precedence to the staff report on these but I'm bothered because I think it's a great looking sign and I don't have a problem with it other than the process in which it happened. My initial inclination was to do what Jessica said and go ahead and approve it anyway, but I have qualms about it and after listening to Matt and Jess, we're opening up a can of worms here that could have a wide range of repercussions, so I'm reluctant to give them approval even though I initially felt the other way.
- A CDR can be approved for this site, but right now they don't have enough to work with. And there are other tenant spaces in here that would need to be regulated by that CDR. I don't think it's anybody on this Commission's responsibility to set the rules for the CDR. Typically, we'll get an application and the conditions and exceptions will be submitted and then we can approve it. Right now I'm hesitant to spend a lot of time having this Commission write the rules for this particular CDR application. It's not the process that was messed up, the applicant went ahead and did it without checking on the process at all. Probably an honest mistake, but that something that now we have to deal with.
- When you say that you have nothing to go off of, can this just be referred until the proper application is submitted?

- Yes, it can. We have a motion for approval we have to act on. Staff will say something about contrasting colors, square footage, crossing architectural features, lighting the sign, on and on and on. I don't think we should be expected to develop the CDR rules and regulations. We've often, with CDR's, granted exceptions for location, size, type of sign, at least there was an existing framework in place that we could make a finding in comparison of the CDR that was in place. With all of that said, we do have a motion to approve.
- Can we add to the motion with regard to any specificity of the CDR requirements?
- (Secretary) I just want to bring the Commission back to the CDR criteria and UDD guidelines and just make sure we are making findings related to the criteria for review.
- Question for staff, can an approved CDR be limited, can we not do something here that is limited to what we're seeing on the screen right now? This particular area or signage?
- (Staff: Tucker) No there is not.
- I'd like to take a roll call vote on the motion.
- No hands raised on the roll call vote, the motion fails.
- We still have to pass a motion.
- I'll move for a referral until a proper CDR with everything needed is submitted, so this can have something to work with.
- (Staff: Tucker) We would request you set a time or date. We don't want this out there indefinitely, there is a timeliness to these things in the ordinance.
- I'd leave a timeframe to compile a CDR to City staff. I have done some and it's a pain, I understand we need something to judge against, so that needs to happen, but I don't know what's an appropriate time frame. Maybe the next meeting.
- We have a meeting on May 31<sup>st</sup>, and one on May 10<sup>th</sup>.
- I will say May 31<sup>st</sup>.
- I would just add that does not guarantee that the CDR we are going to see will be approved, but we do need a proper CDR to be able to take formal action.

## Action

On a motion by Asad, seconded by Arnold, the Urban Design Commission **REFERRED** consideration of this item to its May 31, 2023 meeting. The motion was passed on a unanimous vote of (7-0).