

ZONING DIVISION STAFF REPORT

April 19, 2023



PREPARED FOR THE URBAN DESIGN COMMISSION

Project Address: 2825 University Avenue
Project Name: 2825 University Avenue
Application Type: Approval for Comprehensive Design Review of Signage
Legistar File ID # [77003](#)
Prepared By: Chrissy Thiele, Zoning Inspector; Jessica Vaughn, Urban Design Commission Secretary
Reviewed By: Matt Tucker, Building Inspection Division Director

The applicant is requesting Comprehensive Design Review of signage for an existing site with two commercial multi-tenant buildings. The applicant is requesting the ability to paint signs directly onto the façade of buildings, which the code currently identifies as an unlawful type of sign. This lot is zoned CC-T and abuts University Avenue (five lanes, 35 mph) and Franklin Court (two lanes, 25 mph). This matter comes forward as the result of a code enforcement action: the sign was painted without first obtaining Urban Design District and sign code approvals. The change to the facade (painting) will also require a UDC approval as a separate matter, or must be restored to its previous condition.

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.*

Section 33.24(13)(d)3., Signage Criteria for Urban Design District No. 6, indicates the Urban Design Commission shall consider in each case those of the following guidelines and requirements as may be appropriate to signage:

Signs. The mixed land use patterns that characterize substantial portions of the district contribute to a proliferation of business and product identification signs.

a. Requirements.

- i. Signs in the District shall conform to all provisions of [Chapter 31](#) of the Madison General Ordinances.
- ii. Signs shall be integrated with the architecture of the building.
- iii. Electronic changeable copy signs, if permitted in the District, shall comply with [31.046\(1\)](#) which requires that electronic changeable copy signs in Urban Design Districts shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every one (1) hour. Additionally, no sign or portion of sign shall change its level of illumination more than once every one (1) hour.

b. Guidelines.

- i. A sign should identify the activity without imposing upon the view of residents, businesses or activities of the District.
- ii. A sign should be appropriate to the type of activity and clientele at which its message is directed.
- iii. Signs should be designed so as to be legible to the intended viewer in relation to the surrounding circumstances.
- iv. Signs should avoid covering or impinging upon landscape features or significant structures.
- v. Internally illuminated signs displaying illuminated copy shall be designed in such a way so that when illuminated, the sign appears to have light-colored copy on a dark or non-illuminated background.

Wall Signs Permitted per Sign Ordinance: Summarizing Section 31.07, there shall be one signable area for each façade facing a street or parking lot 33 feet in width or greater. For buildings with more than one tenant, each tenant is allowed a signable area as reasonably close to its tenant space as possible. Standard net area allows for 40% of the signable area, or two square feet of signage for each lineal foot of building frontage not to exceed 100% of the signable area. In no case shall the sign exceed 80 sq. ft. in net area.

Per 31.03, Signable Area is defined as “one designated area of the facade of the building up to the roof line that is free of doors, windows (for purposes of this definition, spandrel panels or other non-vision glass used as an exterior building material are not considered windows) or other major architectural detail, that extends no higher than the juncture of the wall and the roof.”

Per Section 31.045(3)(e), Unsafe and Unlawful Signs and Structures, “No sign shall be painted directly upon any wall or wall surface unless approved by the Urban Design Commission as a legacy sign under Sec. 31.043(3) or approved by the Landmarks Commission under Secs. 41.09(4) or 41.12(2).”

Proposed Signage: The applicant is proposing to allow signage painted directly on the building façade, as well as cross over architectural detail. The overall dimensions of the painted sign is 42” x 208”, which has a total net area 60.67 sq. ft.

UDC Secretary Comments:

UDD 6 – Analysis for Dark Matter Tattoo

MGO 33.24, outlines development requirements and guidelines applicable in each urban design district including requirements and guidelines related to signage. As noted in MGO 33.24, “*development shall meet the requirements outlined in each district and conform as much as possible to the guidelines.*” Urban Design District 6 includes Sign Requirements and Guidelines ([MGO 33.24\(12\)\(3\)](#)). As stated in UDD 6 Sign Requirements, signs shall conform to all provisions in the Sign Code and “*Signs shall be integrated with the architecture of the building.*” UDD 6 Sign Guidelines are more general in nature and speak to appropriateness of scale, context, and design, as well as the sign location not impinging on landscape and illumination.

With regard to the proposed painted wall sign, staff does not believe that it is consistent with the UDD 6 Sign Requirements and Guidelines given that:

- It is a sign type that is not permitted in the Sign Code anywhere in the City,
- It crosses architectural detail, and
- It is not consistent with Sign Guidelines that speak to surrounding context and legibility.

For these reasons, staff is not supportive of the CDR request.

Zoning Staff Comments: The applicant is asking the commission to approve a sign type that is specifically listed as a sign type not permitted. The only exception allowed for having a sign painted on the building is if it is considered a legacy sign, in that it “must be found to have a provable, demonstrated historical relationship between the proposed sign and a pre-1940 use of the building”. This building did not exist before 1940, so this sign cannot qualify as a legacy sign.

In looking at the Comprehensive Design Review criteria that UDC must apply to requests, staff does not believe the applicant has satisfied the first two criteria. The first criteria requires the plan create visual harmony between the signs, buildings, and building site through unique and exceptional use of materials and design. There are no other signs painted on this site, or on neighboring lots, and while the applicant states other tenants on the site would have the option to have a painted sign as well, there is not any specific requirements for colors, design, and material in order to create visual harmony between the signs. The only regulation noted is that box signs will no longer be permitted. It is also not clear if other tenant spaces would be permitted to cross architectural detail with painted signs or any signage, as it is requested with this tenant space.

The second criterial requires the plan be found necessary due to unique or unusual design aspects in the architecture, or limitations to the building site or surrounding environment. The applicant indicates that the angle of the building façade, the setback from the street, and the monochrome wall are a hardship, and having the larger painted sign makes it easily readable from the street and the most effective way to identify the building to incoming (vehicle) traffic. However, staff does not believe having a tenant space facing a parking lot is unusual. In fact, it is so common that a code rule is in place to allow for signage on sides of buildings facing parking lots. The applicant could request to paint the façade a different color to create a more noticeable tenant space without painting the sign on the façade. The applicant also has a tenant panel on the ground sign by the parking lot entrance, which provides identification to both west and eastbound traffic.

In addition to the above, the requested painted sign is larger than what the code permits. The tenant can choose either 40% of the signable area (38” x 304”) or 2 ft. per lineal foot of tenant width (304”), not to exceed 100% of the signable area. The first option would permit a 32.09 sq. ft. sign, and the second option would permit a 50.67

sq. ft. sign. However, the proposed net area of the painted sign is 10 sq. ft. larger than the largest permitted wall sign option. No justification for this size increase to have a sign larger than otherwise permitted by code has been provided. As noted earlier, there is an existing ground sign on by the parking lot entrance that the applicant is using to promote their business. Staff does not believe it is also necessary to have a sign larger than what the code permits. The applicant includes in the application a code complaint sign, which would just as effectively identify the tenant space to vehicles entering the parking lot.

An approved CDR regulates all signs on a zoning lot. To that end, Sec. 31.043(4)(a)1. discusses the submission of design details:

1. The applicant shall file the required application with the required fee(s); submit site plans showing all existing and proposed buildings and signs, location and dimensions of each requested signable area; a color graphic of each proposed sign with dimensions; and any other materials as may be required by the UDC or elsewhere in these Ordinances.

This application appears to be focusing the request for their tenant space, with little detail provided about other signs on the zoning lot, besides existing pictures. The application states that painted signs will be allowed for other tenants, and only excludes signs (any signs) described as “internally lit box signs”. This would apparently allow painted wall signs potentially on any façade, or any other type of wall, ground, projecting, etc. sign other than “internally lit box signs”, which is far too open-ended for staff to administer. Staff believes the required details of this CDR have not been provided, as the applicant has not provided sufficient design detail for other signs that would be regulated under this CDR.

Recommendation: Staff does not believe the applicant has satisfied the criteria for CDR approval, and recommends the UDC find the criteria for CDR review have not been met, and deny this request as submitted. This recommendation is subject to further testimony and new information provided during the hearing.

Note:

The applicant has included a request for a larger signable area if the painted sign is not approved (this CDR is not approved). The UDC cannot consider this request, as this matter would require a separate application and submittal.