

# ZONING DIVISION STAFF REPORT

January 13, 2020



PREPARED FOR THE URBAN DESIGN COMMISSION

**Project Address:** 53 West Towne Mall  
**Project Name:** Hobby Lobby  
**Application Type:** Approval for an Alteration to an Approved Comprehensive Design Plan  
**Legistar File ID #** [63239](#)  
**Prepared By:** Chrissy Thiele, Zoning Inspector  
**Reviewed By:** Matt Tucker, Zoning Administrator

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The applicant is requesting an amendment to a previously approved Comprehensive Design Review. The original approval was specifically for the Sears and Dave and Busters signs, approved November 30, 2016, while Total Wine obtained approval for their signage December 20, 2017 and June 6, 2018. Hobby Lobby has leased the vacant Sears space and is altering the façade of the storefront (which staff approved on May 28, 2020, through a Conditional Use alteration), and is requesting a sign larger than approved for Sears. The property is located in the Commercial Center (CC) district.

Pursuant to Section 31.43(4)(d), MGO, any changes to the approved plan must first be approved by the UDC using the full Comprehensive Design Review (CDR) process under Sec. 31.043(4)(a):

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.*

**Permitted per Sign Ordinance:** Summarizing Section 31.07, Wall signs may be attached flat to or affixed parallel with a distance of not more than 15 inches from the wall. No sign affixed flat against a building wall shall extend beyond any edge of such wall. There shall be one signable area for each façade facing a street or parking lot 33 feet in width or greater. Standard net area allows for 30% of the signable area. In no case shall the sign exceed 120 sq. ft. in net area.

**Proposed Signage:** The applicant is requesting the wall sign on the east elevation having a total net area of 177 sq. ft., which is 48% larger in net area than what the code allows and exceeds the maximum percentage of signable area by 7%. The signable area approved through the recent Conditional Use alteration is about 478 sq. ft. (7.58' x 63.08'). However, the signable area shown in the application appears larger than approved due to a discrepancy between the CDR alteration plans and the approved Conditional Use alteration plans. It appears as though some trim elements on the façade have been eliminated or do not show clearly on the submitted plans. While this does not negatively affect the application for the proposed sign, if the exterior façade is different from the previously approved plans, another minor alteration to the conditional use will need to be completed.

The second sign, located on the west elevation, will be under the 144 sq. ft. approved in the original CDR for Sears (105 sq. ft.), and does not need additional exception from the UDC.

**Staff Comments:** The CDR originally approved Sears to have a sign with net area of 144 sq. ft. Hobby Lobby is currently altering the façade of the building to create an entrance with a vestibule, as well as façade that matches the Hobby Lobby corporate style, resulting in a larger signable area on the facade. As pointed out in the letter of intent, the distance from the storefront to South Gammon Road and the Beltline ranges between 500-700 feet, and the requested size would likely meet the conditions and requirements for a sign variance request. Note: the maximum size sign allowable by variance is 180 sq. ft. The requested sign fits with the scale and architecture of the tenant space, as well as the scale of the other signs in this CDR. **Staff has no objection to the CDR request and recommends the UDC find the standards for CDR review have been met. This recommendation is subject to further testimony and new information provided during the hearing.**

Note:

- Final application with either have an elevation with dimensioned signable area that matches the approved Conditional Use alteration OR Hobby Lobby will submit a new Conditional Use alteration request to update the façade.