

ZONING DIVISION STAFF REPORT

January 2, 2019



PREPARED FOR THE URBAN DESIGN COMMISSION

Project Address: 690 S. Whitney Way
Project Name: Whitney Square Shopping Center
Application Type: Approval for an Alteration to an Approved Comprehensive Design Plan
Legistar File ID # [53960](#)
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 original approval was obtained in 1990 for an additional identification ground sign and four additional tenant identification wall signs. In 2012, approval for an alteration to the CDR was approved, exempting wall signage from the UDD #3 height and size restrictions. The applicant is looking to remove the previously approved identification sign and the four additional wall identification signs, reaffirm the exemption from the UDD #3 height and size restrictions, and install two additional multi-tenant ground signs larger than what the code allows. The property is located in the Commercial Center (CC) district and abuts South Whitney Way (6 lanes, 30 mph) and Odana Road (4 lanes, 25 mph). The subject property is part of a larger Planned Multi-use site, which extends to Tokay Boulevard. This CDR amendment would only apply to the lands generally south of the main central driveway, just south of the Rubin's Furniture Building and includes the restaurant site currently occupied by Vintage Brewing Company.

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(10)(c)4., Signage Criteria for Urban Design District No. 3, indicates the Urban Design Commission shall consider in each case those of the following guidelines and requirements as may be appropriate to signage:

Signs. Because of the relationship between the University of Wisconsin Research Park and commercial activities of this area, it is necessary that the location and treatment of signs be appropriate to both activities. Signs in the district shall meet the following requirements and conform as much as possible to the following guidelines:

a. Requirements.

- i. Signs (including, but not limited to, awnings or canopies with signs), if located on or adjacent to buildings, shall be integrated with the architectural design of the buildings.
- ii. Signs shall be located and designed only to inform the intended clientele.
- iii. Signs shall be used only as identification of the establishment and shall have no more than a total of eight (8) symbols and/or words.
- iv. No portion of an illuminated sign shall have a luminance greater than two hundred (200) foot lamberts for any portion of the sign within a circle two (2) feet in diameter. No sign or part of any sign shall change its level of illumination more than once every one (1) hour. (Am. by ORD-09-00091, 8-1-09)
- v. Electronic changeable copy signs, if permitted in the District, shall comply with [Sec. 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. (Am. by ORD-09-00091, 8-1-09)
- vi. A minimum setback of five (5) feet from the public right-of-way is required of all detached signs. A minimum setback of ten (10) feet from the public right-of-way is required for signs exceeding ten (10) square feet in net area. A minimum setback of twenty (20) feet is required for all signs exceeding twenty (20) square feet in net area. (Am. by ORD-09-00091, 8-1-09)
- vii. The height of a ground or wall sign shall not exceed ten (10) feet unless a higher sign is specifically approved by the Urban Design Commission based on the following criteria:
 - A. An exception from the height limitations is necessary for the sign located on the site of an establishment to be identifiable and legible from the nearest roadway at prevailing speeds; and
 - B. An exception from the height limitation will result in a sign more in scale with the building and site and will result in a superior overall design.
- viii. The net area of a ground or wall sign shall not exceed forty (40) square feet unless a larger sign is specifically approved by the Urban Design Commission based upon the following criteria:
 - A. An exception from the size limitation is necessary for the sign located on the site of an establishment to be identifiable and legible from the nearest roadway at prevailing speeds; and
 - B. An exception from the size limitation will result in a sign more in scale with the building and site and will result in a superior overall design. (Am. by ORD-09-00091, 8-1-09)
- ix. All signs and their words shall be mounted parallel to the building surface to which they are attached. No sign or words shall project more than eighteen (18) inches from the surface to

which they are attached. Attached signs shall not be mounted on roofs and shall not project above roofs.

b. Guidelines.

- i. Signs should identify the activity without imposing upon the view of businesses or activities of the district.
- ii. A sign should be appropriate to the type of activity and clientele at which its message is aimed.
- 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. Illuminated signs should be lit internally or from the ground, not with fixtures projecting from the sign.

Ground Signs Permitted by Sign Ordinance: This zoning lot is allowed up to two ground signs with a combined net area of 96 sq. ft., and a maximum height of 10' for monument style signs, based off of the prevailing speeds and number of traffic lanes. Additional ground signs are allowed by CDR. The ordinance also allows for lots with frontage 500' or more, as well as a vehicle entrance on that frontage, to have an additional monument-style ground sign, no larger than eight feet in height, with 32 sq. ft. per side, located at each vehicle entrance.

Proposed Ground Signage: The existing ground sign on Whitney Way for Vintage brewing Company is not proposed to be removed or otherwise changed. The applicant is proposing three additional two-sided ground signs for the commercial tenants located on the South portion of this zoning lot, while removing two existing ground signs (the large tenant sign for Big Lots and Office Max, and the Whitney Square "place" sign just north of the Whitney Way driveway entrance). Two of the proposed ground signs net area each total at 159 sq. ft. One would be placed at the southwest corner of the property, on Odana Road, just past the Taco Bell restaurant, and the other would be placed at the primary driveway entrance on South Whitney Way, replacing the existing sign. A third ground sign would be placed at the driveway entrance on Odana Road, with that sign providing 74 sq. ft. of net area.

Staff Comments: This zoning lot has nine ground signs, with three signs under the control of this property owner (Vintage, the large tenant sign for Big Lots and Office Max, and the Whitney Square sign at the driveway entrance), two of which the applicant plans to remove. The remaining six ground signs, while located in this zoning lot, are outside the control of the developer, and this CDR.

The development property contains roughly 400 feet of frontage on South Whitney Way and about 600 feet of frontage on Odana Road. The applicant is looking to install two ground signs with a Net of 79.5 sq. ft. per side, about 65% larger than what code allows, with a maximum height of 12 'which would be installed closer than 10 feet from the lot line, which is one of the requirements for this UDD district. The UDD district also has a height limit of 10 feet and a requirement that signs not exceed 40 sq. ft.

Staff notes that tenant locations are set back far from the street, with commercial properties located in front blocking a majority of the storefront views from the street. However, these ground signs will situated much higher than the curb level, as there is a moderate grade change from the street to the parking lot on this property. The additional height provided by the grading difference creates a good vantage point for visibility of these signs from the roadway. The applicant does not provide any imagery showing what a compliant signs

versus how the proposed ground signs would be viewable to support this request for signs larger than what is otherwise allowed. Therefore, Zoning staff believe that the signs should comply with the maximum height requirement of 10 feet, and the signs should meet the maximum square footage allowed in the sign ordinance, 48 sq. ft. per side, with UDC granting the waiver from the UDD setback and size requirement for the ground signs.

The sign ordinance does allow for an additional ground sign where the frontage exceeds 500 ft., as long as the Net of that sign does not exceed 32 sq. ft. per side. While the applicant states that the third ground sign meets the ordinance requirements, the dimensions provided show a slightly larger and taller sign. Staff does not support the current proposal, however if the dimensions on this sign were revised so that meets code requirements, staff would support this request (also noting this sign would need an exception from UDD requirements for being closer than 10 feet to the lot line).

Staff recommends UDC find the CDR standards are met for the proposed ground signs with the following conditions:

- **The two main ground signs not exceed 48 sq. ft. per side, with a maximum height of 10'.**
- **The third smaller ground sign comply with Sec. 31.08(2)(ab), in that the Net not exceed 32 sq. ft. per size, and not be taller than 8'.**

Other signs shown in CDR: The wall signs mentioned in the application are stated to comply with Chapter 31, and no special exceptions are being requested at this time. The applicant has noted that all other signage not mentioned in the CDR request shall comply with code as well.