

ZONING DIVISION STAFF REPORT

July 13, 2022



PREPARED FOR THE URBAN DESIGN COMMISSION

Project Address: 6831 Odana Road
Project Name: Popeye's
Application Type: Approval for Comprehensive Design Review of Signage
Legistar File ID # [68155](#)
Prepared By: Chrissy Thiele, Zoning Inspector

The applicant is requesting Comprehensive Design Review of signage for a new restaurant building located within an existing planned multi-use site that includes Burger King, a retail multi-tenant building near Odana Road, and a multi-tenant building located in the back of the zoning lot. These other buildings on the lot are not under the control of this application, however the multi-tenant building located in the back of the zoning lot (Ross Dress for Less, Burlington, etc.) obtained CDR approval from UDC in July 31, 2019 for their wall signage and ground signs. The lot located in the Commercial Center (CC) district and abuts West Platte Drive (2 lanes, 25 mph) and Odana Road (2 lanes, 30 mph).

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.*

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. For a tenant space with less than twenty-five thousand (25,000) square feet in floor area, the maximum net area of wall signs shall be forty percent (40%) of the signable area, or two feet per lineal foot of tenant frontage, not to exceed 100% of the signable area. In no case shall a wall sign exceed eighty (80) square feet in net area.

The code also allows for one logo, a maximum net area of six (6) square feet, to be located on a wall outside of the signable area, which can be displayed in addition to the primary wall sign.

Signable area is defined in the code 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.” The size of the signable area is determined by calculating the number of square feet that are enclosed by an imaginary rectangle or square drawn around the area selected.

Proposed Signage: The submitted application has a total of five wall signs, with three of them needing an exception from the sign code. The main sign on the front façade (Sign B) has a total net area of 45.56 sq. ft., which would occupy 30.99% of the signable area, and complies with code. The proposed sign consists of internally illuminated face-lit individual channel letters.

The other sign on the front façade (Sign A) is the restaurant logo, which has a total net area 29.58 sq. ft., however the sign does not fit in a rectangular signable area. Instead, the signable area is molded around the logo sign, and therefore needs an exception from UDC as the logo is larger than 6 sq. ft. in net area, and does not fit in a designated signable area. The sign material has not been provided, however the letter of intent states the sign uses a rustic wood texture and is lit with back lighting.

The two signs facing the parking lot (Sign C and Sign E), while technically two signs, can be counted a “single sign” since they are within the same signable area and can use up to three boxes to calculate the net area. The total net area between the two signs is 59.42 sq. ft. and would occupy 28.9% of the signable area. These proposed signs consist of internally illuminated individual channel letters.

The remaining sign facing the access aisle into the zoning lot (Sign E) is technically not permitted, as the elevation does not face a public street or parking lot. The proposed sign would have a net area of 18.5 sq. ft., occupy 8.79% of the signable area, and consist of internally illuminated face-lit individual channel letters.

Staff Comments: Sign A on the front elevation is considered a second sign, as it is located outside the signable area of the primary sign and does not meet the requirements for a logo sign as permitted in the sign ordinance. The sign is unique, as it does not really fit within a rectangular signable area, and instead the signable area is the shape of the sign. The sign is designed to appear as part of the architectural feature of the building wall, with an illuminated outline that adds to the creativity of the sign.

As for Sign E on the east elevation, this sign needs an exception from the sign code as it does not face a public street or parking lot. As the zoning lot already has exceeded the permitted size and number of ground signage, and the restaurant is located so close to the street, the proposed signs on the sides of the building will provide identification to traffic approaching the building on Odana Road. The proposed sign will match the other

permitted wall signs in font style and color, creating a cohesive look. **Recommendation: 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.**

Other signage:

The applicant shows in the CDR application two parking lot directional signs. These signs are three square feet per side and appear to be of a compliant height. The applicant is not requesting an exception from the sign code for these signs, so these signs will comply with the sign code requirements.

Notes:

- Applicant shall add the note that all other signage not addressed in this CDR comply with Chapter 31 in the final submittal.