

ZONING STAFF REPORT

September 7, 2022



PREPARED FOR THE URBAN DESIGN COMMISSION

Project Address: 66 West Towne Mall
Project Name: West Towne Mall
Application Type: Approval for Comprehensive Design Review of Signage
Legistar File ID # [73265](#)
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The applicant is requesting Comprehensive Design Review for signage at West Towne Mall, specifically for a Von Maur wall sign located at the East facing façade of West Towne Mall common area entrance, which is not adjacent to its tenant space, and for parking lot directional signage larger than permitted by code. The CDR approval would also cover and document the existing West Towne Mall signs, some of which are conforming, others nonconforming due to installation under previous code allowances.

This property is located in a Commercial Center (CC) district, which consists mostly of various retail, recreation, service businesses, and restaurants within the zoning lot and abuts Mineral Point Road (4 lanes, 35 mph), South Gammon Road (6 lanes, 30 mph), West Beltline Highway (4 lanes, 55 mph), and West Towne Way (2 lanes, 25 mph). While the Von Maur store is connected/attached to the mall, the signage found on its building/property is not part of this CDR, as this building is located on an individual private parcel, not under ownership of CBL. Therefore, this CDR would not regulate existing or future signage on parcels outside of CBL's ownership.

Pursuant to Section 31.043(4)(b), 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, 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. 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 30% of the signable area. In no case shall the sign exceed 120 sq. ft. in net area.

Proposed Signage requiring CDR exception: The applicant is requesting a wall sign for an occupancy that is connected to the mall, however the sign is not be located adjacent to the tenant space. Instead, the proposed sign would be installed at one of the common main entrances to the mall facing South Gammon Road and be located under a “West Towne Mall” place identification sign. The sign would consist of internally illuminated individual channel letters with a total net area of 19.07 sq. ft., which would occupy 44.91% of the signable area.

Staff Comments: Wall signage for horizontal occupancies (more than one occupant side-by-side) are required to locate their signable areas (and signs) “as reasonably close to its tenant space as possible” (MGO 31.07(2)(a)1.). The intent of this regulation is to limit signs to locations which identify where tenant spaces are located, reduce sign clutter on facades, as well as provide wayfinding. The city has been consistent in the application of the sign code, not allowing commercial tenants to establish/locate signable areas not adjacent to their tenant spaces. This CDR exception request is to allow a sign adjacent to a common area in the mall, not adjacent to the Von Maur tenant space, on the opposite side of the mall from where the Von Maur tenant space is located. While this request is approvable via CDR, it could mark a potential policy shift in regard to allowing commercial tenants to locate signs in locations not adjacent to their tenant spaces, and therefore should be carefully considered.

This CDR applies to property owned only by CBL, which includes the proposed sign location. The submittal materials show buildings/property that will be governed by this CDR. While Von Maur is connected to the mall, the CDR will not control signage on the Von Maur building or its lot, as it is not under ownership of CBL.

The application indicates that since Von Maur is located in the back of the main mall building in the center-rear of the zoning lot, it does not have the same visibility from South Gammon Road as other anchor/major tenants within the mall, is at a disadvantage to other anchor tenants, and therefore needs a sign at the east-side entrance of West Towne Mall to identify the establishment. The Von Maur tenant space (and the previous Boston Store tenant space) does not have outwardly-facing signs on the east side of the building identifying the tenant space through the common area at the rear of the mall, this requiring those accessing the site from the east to enter the mall (or use the ring-road) to find their tenant space. Some customers that come to the site, particularly pedestrians and bicyclists access the mall via the east side. Customers arriving via transit have a clear view of the Von Maur tenant space, because a route runs through the mall. Other anchor tenants are located to the north and south ends of the mall, with visibility from surrounding streets, making identification easier.

Staff does not necessarily agree that a sign is necessary facing South Gammon Road. Customers find tenant spaces in a variety of ways, and a wall sign may not yield a positive identification – in fact it may actually confuse customers, who enter the space expecting to find the store, but have to walk through the mall to reach the store.

Usually when people go to the mall, they have a specific destination in mind and will park as close to that space as possible. However, those arriving as pedestrians or by bicycle generally arrive from the east, which could warrant signage for identification and wayfinding. Further, the sign as the proposed Von Maur sign is limited in size and will not be practically visible from South Gammon Road. The sign will be visible from the ring-road, or only practically visible as you approach the building from the ring road and from one of the eastern entrances to the property.

The applicant states the proposed sign would be consistent with other signs on the building in size and design, consisting of internally illuminated channel letters, with the tenant's brand color and font. The applicant provides renderings of a code compliant sign versus the proposed sign for comparison (Exhibit B) and an example of the proposed sign on the elevation as viewed from the parking lot (Exhibit A-2). While it is agreed that the proposed sign is relatively small, the associated signable area is equally small. Staff feels the proposed Von Maur sign may result in a sign that appears overly large for the signable area, and that ultimately competes with the "West Towne Mall" place identification sign above. The code compliant size appears to more proportional to the signable area, and would also be consistent with other signs in the development. The code compliant sign would not compete with the "West Towne Mall" primary place identification sign, which is just above the proposed location.

The applicant also states that this CDR request will not set precedent and any new signage proposed will require an alteration to the CDR. However, staff has concerns that this approval could set a precedent on the site and city-wide. If the UDC believes criteria a for CDR approval is met and the exception can be approved, staff recommends the UDC make findings relative to this unique site and condition. As noted above, there are a number of unique factors for this site and specific tenant space. Specific findings of fact for this request would make it clear to other anchor tenants with visibility from surrounding streets that may also desire a sign on the east-facing wall, who may see this as an opportunity to maximize their visibility, instead of unique or unusual design aspects in architecture or limitations related to their specific to buildings. **Staff Recommendation: The burden is on the applicant to satisfy the criteria for CDR approval and provide justification for the requested exception. While staff believes the standards could be met, staff still has concerns regarding the applicant's justification to grant a CDR exception to allow signage that is not adjacent to their tenant space, especially given past practice. If the UDC believes the criteria for CDR can be met, staff recommends the UDC make specific findings as noted above. This recommendation is subject to further testimony and new information provided during the hearing.**

Parking Lot Signage Permitted per Sign Ordinance: Summarizing MGO sections 31.03(2) and 31.044(1)(I), parking lot directional signage are necessary for safety or prompting traffic flow to a location on the premises on which the sign is located. These signs can be a maximum size of 3 sq. ft. with a maximum height of 10 ft., and two signs per street frontage. These types of signs are exempt from permits.

Parking lot regulation signs, on the other hand, designate the condition of use or identity of such parking areas. These signs can be a maximum of 9 sq. ft. and require a 10 ft. setback from the property line.

Proposed Signage: The applicant is proposing eight parking lot directional signs located at the driveway entrances on Mineral Point Road and South Gammon Road. The overall height has not been provided, but appears to be under 10 feet, and each sign would have a total net area of 12 sq. ft. per side.

Staff Comments: The applicant would like to have the existing oversized directional signage approved through this CDR request. The signs would be updated to comply with the sign ordinance lighting requirements by having a dark background with light copy. The number and size of the directional signs fit with how large the zoning lot is and the amount of vehicular traffic that comes in and out of the site. **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.

Notes:

- Provide overall height of parking lot directional signs.
- Per this CDR, any new signage will require approval of an alteration to the CDR, either approved by staff or by the UDC as a major alteration to the CDR.