

## ZONING DIVISION STAFF REPORT

September 22, 2017



PREPARED FOR THE URBAN DESIGN COMMISSION

**Project Address:** 811 E. Washington Avenue  
**Project Name:** The Gebhardt Building and The Sylvee  
**Application Type:** Comprehensive Design Review Initial/Final Approval  
**Legistar File ID #** 48454  
**Prepared By:** Chrissy Thiele, Zoning Inspector  
**Reviewed By:** Matt Tucker, Zoning Administrator

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The applicant is requesting Comprehensive Design Review INITIAL/FINAL APPROVAL. This property is located in a Traditional Employment (TE) District, as well as Urban Design District #8. This lot and neighboring lot 821 E. Washington Avenue (The Spark) are considered to be one zoning lot, through the shared access and circulation of the Pocket Park located between the two buildings. This part of East Washington has 6 lanes and a speed limit of 35 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**. 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. For multi-story buildings with more than one vertical occupancy, *there may be up to two additional signable areas per façade displayed above the first story, with no limitation on the height of placement, but a total of only one sign per occupant, per façade.*

Proposed Signage: On the provided visual imagery, the applicant has called out specific qualifying signable areas on the building for tenant signage. Most of these areas are qualifying signable areas, except for the proposed signable areas on the East elevation facing the pocket park. The applicant is also asking for an additional signable area on the second story, as well as one on the third story of the North elevation.

On the provided imagery, the applicant calls out locations of signs that would either be 80 sq. ft. or 40% of the signable areas on the building. However, in the letter of intent, some called out locations could be as much as 120 sq. ft., depending on the size of the tenant space.

The applicant also requests exception to the tenant signage being as reasonably close to their tenant space as possible. This means it would be possible for a tenant space on the sixth level to have signage on the second level (as an example).

The first floor multi-tenant directory sign does not meet the definition of an accessory sign in the sign ordinance, and the sign ordinance does not use the term “auxiliary sign”. Instead staff is viewing this as just an additional wall sign on the first story. This area is a qualifying signable area as it faces E. Washington Avenue.

Staff Comments: As the pocket park is expected to have frequent pedestrian traffic in order to access The Spark or The Gebardt Building, the request for signable areas on the East elevation seems appropriate. However, staff does not support having a signable area above the second story. As stated in The Spark staff report, this area has been redeveloping with a vision as an extension of the downtown area, where there are little to no signs higher up on the facades of large buildings. Staff believes signs located above the second story do not fit with this vision.

In consideration of the appropriate scale and character of The Gebhardt building, as well as size and character of the signs on The Spark, which is also on the same zoning lot, **staff recommends that if UDC does determine the conditions are met to approve this Comprehensive Design Review, that the size of tenant signs be limited to either 40% of the signable area or 80 sq. ft. (whichever is less) and remove the allowance for larger signage if the tenant space is larger than 25,000 sq. ft., for the specified signable areas on the first two stories only.**

Canopy Signs Permitted per Sign Ordinance: Summarizing Section 31.071, the signable area for a canopy fascia sign shall not project beyond the limits of the canopy in any direction, and shall be no wider than the width of the canopy. Any canopy fascia sign shall be in lieu of an above-canopy or below-canopy signage.

Above-canopy signs can be installed instead of canopy fascia signs, but are restricted to the business name and logo, be constructed of freestanding characters and the logo, have a max height of 2' and the next of the logo being a max size of 4 sq. ft. These signs also cannot be wider than the width of the canopy or the corresponding façade, whichever is narrower. Above-canopy signage may not project further than from the building than the

canopy to which it is attached and a sign that crosses architectural detail may not be displayed closer than three feet from the nearest face of the building.

Proposed Signage: **The Gebhardt** canopy sign is a mix between an above canopy and a canopy fascia sign, as most is above the canopy, but a portion of the logo does go on the canopy fascia. This causes the portion above the canopy to project further than from the building than the canopy to which it is attached. The imagery shows the logo over 30 sq. ft. in size, with the letter height just over 29", on the north elevation and the shown logo on the East elevation is about 30 sq. ft. However, in the letter of intent the applicant is asking for the logo to be no more than 32 sq. ft., with the channel letters not to exceed 40" in height. In both cases, the sign shall not exceed 80 sq. ft. Both above canopy signs go beyond the corresponding façade located behind them.

**The Sylvee** canopy signage has both canopy fascia and above canopy signage. The canopy fascia signage will be an electronic message center that appears to cover the entire canopy fascia, that will change no more than once per hour, as required by Urban Design District No. 8. However, the applicant is asking for an exception from this requirement two hours before and during performances, where the message will be able to change once per minute. The above-canopy signs are over 3' in height and are closer than three feet to the face of the building, which is considered to have architectural detail.

Staff Comments: **The Gebhardt** canopy sign is the identification sign for the building, naming the building and creating a sense of place for the building. There are two separate proposed signage for this hybrid sign, with the smaller proposed sign appearing on the provided imagery and the letter of intent describing larger signage. Staff looks to the Commission to determine the appropriate size and scale for the sign and how it applies to the Comprehensive Design Review criteria, as the applicant does not provide any imagery showing the sign at a size/scale more in compliance with the sign ordinance.

As for the **The Sylvee** above canopy sign, the applicant does not provide imagery showing the sign in compliance with the sign ordinance, but the size of the proposed sign does appear to be in scale other signage on the building. This type of signage is common for uses such as the music venue or a theatre. The electronic message center on the canopy fascia appears to fit with the characteristics and use of the space, but staff will rely on the Commission to determine the if the exception of allowing the message to change every minute during events is appropriate.

Ground Signs Permitted per Sign Ordinance: Zoning lots are allowed to have two ground signs. Technically, through the Zoning Ordinance, this property is on a zoning lot with The Spark, as both properties share access and circulation of the Pocket Park located between the two buildings. However, further review of the *Ground Sign* section of the Sign Ordinance states that Zoning Lots that meet the criteria of Sec. 28.137(2)(e) are limited to two ground signs per zoning lot. Sec. 28.137(2)(e) states *A planned multi-use site containing more than forty thousand (40,000) square feet of floor area and where twenty-five thousand (25,000) square feet of floor area is designed or intended for retail use or for hotel or motel use*, which does not fit either building. Therefore, as this Zoning Lot does not meet Sec. 28.137(2)(e), it has been determined by staff that each lot can have up to two ground signs.

Based on the speed limit and number of traffic lanes, they are allowed up to two ground signs with a shared net area of 144 sq. ft., with monument signs having a max height of 11'. The two ground signs located on this lot appears to comply with the sign ordinance and therefore does not need special exceptions as part of the Comprehensive Design Review.

Staff Comments regarding other signage: There are two murals shown on this building, one on the wall to the left of the box office on the Livingston Street elevation, and the other on the second floor glass curtain wall on the Livingston Street elevation. Murals are defined as *a picture illustration or abstract expression containing no commercial message applied directly to and made integral with a wall or window surface* and are not controlled by the sign ordinance; therefore, they do not need special exceptions as part of the Comprehensive Design Review.

The Box Office Sign and the two poster walls signs are technically not considered to be *accessory signs* (which has its own definition and permit requirements in the Sign Ordinance). Instead, as these signs are incidental to the use of the property, the sign ordinance does not require permits for them, much like a drive-thru menu board. Therefore, they do not need special exceptions as part of the Comprehensive Design Review.