



Legislation Details (With Text)

File #:	20-3420	Version:	1	Name:	Ordinance - Public Hearing and First Reading of an Ordinance Approving a Zoning Change from C-2, Community Business District to PD, Planned Development for C-2 Uses with a Freestanding Electronic Message Board on Approximately 2.38 Acres Located at 781 W.
Type:	Ordinance	Status:			First Reading
File created:	1/14/2020	In control:			City Council
On agenda:	1/27/2020	Final action:			1/27/2020
Title:	Ordinance - Public Hearing and First Reading of an Ordinance Approving a Zoning Change from C-2, Community Business District to PD, Planned Development for C-2 Uses with a Freestanding Electronic Message Board on Approximately 2.38 Acres Located at 781 W. Debbie Lane; Casteel & Associates, Inc. on Behalf of Marline Two LLC, Owner (ZC#19-022)				
Sponsors:	Joe Smolinski, Matt Jones, Shirley Emerson				

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A, 3. Exhibit B-C, 4. Maps and Supporting Information, 5. Request to Table

Date	Ver.	Action By	Action	Result
1/27/2020	1	City Council	Withdrawn	Pass

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To consider the subject zoning change request.

January 22, 2020 - The applicant has requested to table this case until the next council meeting on February 10, 2020. The applicant is seeking time to address some of the concerns raised at the Planning and Zoning meeting. See attached request.

The Planning and Zoning Commission held a public hearing on January 6, 2020 and voted 5-1 (Knight voting no) to recommend denial.

The Commissioners were concerned about the monument sign not meeting the required 10' setback from a public street. They also thought the sign might be distracting to drivers reading the sign while driving along a busy road. One Commissioner mentioned that approval of this PD might have other businesses in the city trying to circumvent the sign ordinance by applying for a Planned Development.

The subject property has been occupied by a restaurant since 2009. The property is located at the southwest corner of W. Debbie Lane and Russell Lane. The restaurant has three existing wall signs on the building as shown on Exhibit B. The applicant proposes a freestanding electronic message board fronting W. Debbie Lane.

The applicant is requesting a zoning change from C-2 to PD for C-2 uses with a freestanding electronic

message board. The electronic message board will be in addition to the existing signage on the building.

Development Plan:

- The base zoning for this PD is C-2, Community Business District
- The existing building and use will not change.
- The applicant is proposing to have a new freestanding monument sign for an electronic message board.

Deviations requested by the Applicant:

- Section 7100.D.1 Sign Table: *A total square footage of sign area being less than 50 square feet. Electronic message center/reader board signs are limited to 50% of the sign area.*

The maximum area of an electronic message board is 25 square feet. The applicant is requesting 38 square feet for the sign area. In addition, an electronic message board must be shared with a static cabinet sign. The applicant is requesting to have the electronic message board to be the sole sign on this freestanding sign.

- Section 7100.D.1 Sign Table: *The minimum setback for a freestanding sign is 10 feet from a property line along street frontage.*

The applicant proposes to use the existing monument sign base. The existing base is located near the property line and does not meet the minimum 10-foot setback.

Signage:

Under Section 7100, General Business signage must comply with the following additional requirements:

- *Maximum Number of Signs:* One sign per street frontage plus one wall sign per tenant. As a corner lot, this business is permitted 3 signs in total. There are currently three wall signs on the building. The proposed electronic message board will be a fourth sign, which exceeds the maximum allowable signage.
- *Size of Monument Signs:* Monuments signs may have a maximum width of 10 feet and a maximum height of 10 feet. The proposed sign is approximately 8 feet in width and approximately 7 feet in height.
- *Sign Base:* Monument signs must have a solid base at least two feet tall and the base must be as wide as or wider than the sign structure. The base must also match the masonry materials used on the primary building. The applicant proposes to use the existing base, which meets these requirements.

Summary

The existing restaurant occupies a prominent corner on a major thoroughfare. The restaurant already has the maximum number signs allowed by ordinance. A PD is intended to provide a project with greater flexibility and encourage a more creative, efficient and aesthetically desirable design. Staff believes the proposed sign does not meet the intent of a Planned Development for the following reasons:

- Section 7100 is intended to limit the number of signs to reduce visual clutter. This PD would allow additional signage for a prominent business for the purpose of advertising without providing a

creative, efficient or desirable aesthetic design.

- Council adopted special standards for the electronic message boards to reduce the effect of high intensity lighting. The applicant is proposing a larger message board than the ordinance allows. This sign will be closer to the street and may be distracting to drivers.
- Staff is concerned that approval of the PD may set a precedent that allows other businesses to circumvent the sign ordinance requirements for the sole purpose of additional advertising.

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