

22. SIGN DEVIATION - STANLEY SQUARE MONUMENT SIGN - Vicinity of the northwest corner of 151st Street and U.S. 69 Highway

1. APPLICANT: Luminous Neon Art & Sign Systems is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting a sign deviation to allow a larger monument sign and reduced setback for a monument sign.
3. LOCATION: The subject property is located in the vicinity of the northwest corner of 151st Street and U.S. 69 Highway.
4. EXISTING ZONING: This property is currently zoned CP-2, Planned General Business District.
5. ANALYSIS: The applicant is requesting a sign deviation to allow for a larger monument sign and decreased setback for the Stanley Square monument sign. This is an existing monument sign (19 feet tall) that advertises the McDonald's and the Stanley Square development. The applicant is requesting to add additional tenants to this sign which would increase the overall square-footage to 126 square feet (see attached plan).

The Unified Development Ordinance permits one monument sign for commercial developments and the following restrictions, "sign face shall not exceed 10 feet in height above the average grade, and the sign face shall not exceed 100 square feet in area per face if located 10 feet from the public street right-of-way or private street curb line. For each additional one-foot setback from the public street right-of-way or private street curb line, one additional foot may be added to the height of the sign to a maximum of 20 feet."

The applicant is requesting to add seven tenant names to the sign and remove the Stanley Square name from the sign. Therefore, the proposed sign is 18 feet 10.5 inches in height and 126 square feet in size. The sign would have to be setback 19 feet from the right-of-way to allow this tall of sign as required by ordinance. If the existing wording on the sign was changed it would be required to meet all ordinance requirements; therefore, a deviation is required to allow it to remain where currently located.

The applicant has stated that the McDonald's has refused to relocate or change their portion of the sign. Therefore, the shopping center's owner is requesting these two deviations. The proposed sign ordinance is not proposing to change these types of monument signs. So the applicant

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would not be granted any relief by waiting for the sign ordinance to be approved.

Staff did review the two deviation requests against the five criteria in order to grant a deviation (each is discussed separately), as follows:

1. **That the deviation requested arises from a condition which is unique to the property in question, is not ordinarily found in the same zoning district, and is not created by an action or actions of the landowner or the applicant.** Staff does not find this situation unique. Even with the McDonald's sign (48 square feet in size) there is 52 additional square feet for other tenant signage. All other monument signs for commercial developments are required to meet the 100 square-foot limitation.

Staff is supportive of leaving the sign as currently located and refacing the sign to allow a 100 square-foot sign. It is unique because it is an existing sign.

2. **That the granting of the deviation will not adversely affect the rights of adjacent landowners or residents.** The adjacent property owners would be adversely impacted if this deviation was granted because they are required to meet the sign ordinance regulations.

However, allowing the existing sign to remain at its currently located site should not impact rights of any adjacent landowners. There are not any adjacent landowners that are in close proximity to this sign.

3. **That the strict application of the provisions of this ordinance would constitute unnecessary hardship upon the landowner represented in the application.** There is still 52 square feet for additional signage and therefore, staff does not see a hardship.

If the applicant was required to move the sign to provide a 19-foot setback it would be an unnecessary cost.

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4. **That the deviation desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.** Granting these deviations should not affect the public health, safety, morals, order, convenience, prosperity or general welfare.
5. **That granting the deviation will not be opposed to the general spirit and intent of this ordinance.** Granting the deviation to increase the square-footage would be against the general spirit and intent of the ordinance in that the ordinance tries to maintain orderly signage for the community. Allowing this additional square-footage would allow for other developments to request this same increase.

Staff does not feel allowing the existing sign to remain as currently sited would be opposed to the general spirit and intent of the ordinance. Based upon this review, staff can not support allowing the increase of square-footage but can support granting a deviation to reduce the setback to eight feet. Staff feels there is adequate signage left to advertise the tenants of this center and there is not a need to increase the signage from 100 square feet to 126 square feet.

6. **STAFF RECOMMENDATION:** The staff recommends approval of the sign deviation, to reduce the required setback from 19 feet to eight feet, subject to the following stipulations:
 - a. Prior to the sign being altered and any tenant signage being added, a sign permit shall be obtained.
 - b. The monument sign square-footage shall be limited to 100 square feet.
 - c. The existing monument sign is granted a deviation to remain at the eight-foot setback.