

## Legislation Details (With Text)

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**File #:** 17-782 **Name:**

**Type:** Report **Status:** Individual Item Ready

**File created:** 11/20/2017 **In control:** City Council

**On agenda:** 12/11/2017 **Final action:**

**Title:** Discuss and consider a request for a conditional sign permit for an electronic message sign at Today's Smile, addressed at 1592 E. Common Street.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Map, 2. Application, 3. Proposed Site Plan, 4. Proposed Sign Elevation Plan, 5. Comparison Table Showing Allowable Signs vs. Requested Sign, 6. Map of Existing Signs in Vicinity, 7. Excerpt from the Sign Ordinance, 8. Zoning Map

Date	Ver.	Action By	Action	Result
12/11/2017	1	City Council		

Presenter

*Stacy Snell, Planning and Community Development Assistant Director*  
*ssnell@nbtexas.org*

**SUBJECT:**

Discuss and consider a request for a conditional sign permit for an electronic message sign at Today's Smile, addressed at 1592 E. Common Street.

**BACKGROUND / RATIONALE:**

**Case No.:** CS-17-031

**Council District:** 4

**Applicant/Owner:** Sarah and Daniel McCutchen  
1592 E. Common St.  
New Braunfels, TX 78130  
(830) 625-6565  
semccutchen@gmail.com

**Staff Contact:** Katherine Crowe, Planning Technician  
(830) 221-4086  
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The subject property is the location of Today's Smile Family Dental Center and is zoned "C-1" Commercial District. The subject property is a 0.7 acre lot with approximately 98 feet of frontage on E. Common Street. Access to the site is from E. Common Street between Gruene Road and Hanz Drive.

The C-1 zoning district is allowed one free standing monument sign or one low-profile pole sign per lot. Monument signs are limited to 8 feet in height and 32 square feet. Low profile pole signs are limited to 6 feet in height and 20 square feet. Both sign types require a minimum 10-foot setback.

There is an existing non-conforming (grandfathered) monument sign on the property: 14 feet tall and 8 feet, 4 inches in width (88.02 square feet) that was constructed prior to the adoption of the City's Sign Ordinance in 2006. This existing non-conforming monument sign exceeds the maximum allowed sign height by 6 feet (75% taller) and the maximum allowed sign area by 56.02 square feet (175% larger). There are no other free-standing signs on the property.

### **Proposal:**

The applicant is proposing to construct an electronic message sign as part of a new monument sign. However, electronic message signs are not allowed in the C-1 zoning district. Electronic message signs are allowed in the following zoning districts: C-1B, C-2, C-2A, C-3, C-4, C-4A, C-4B, MU-A, MU-B, M-1, M-1A, MU-B, M-1, M-1A, M-2 and M-2A; as well as along the following thoroughfares: Loop 337, State Highway 46, Business IH 35, FM 306, FM 725 and IH 35. Where electronic message signs are allowed, no other free-standing signs are permitted if an electronic message sign is constructed. The Sign Ordinance does require electronic messages to remain static for 8 seconds before transitioning to the next message to limit motorist distraction.

The proposed sign would consist of three stacked sign cabinets on top of the existing brick sign base resulting in an overall height of 10 feet, 5 inches. Starting at the top of the sign the sign cabinets consist of a 4-foot, 1-inch by 8-foot sign face (32.67 square feet), then a 2-foot, 6-inch by 6-foot electronic message display (15 square feet), and then a 2-foot by 4-foot, 7-inch sign face (9.17 square feet), all located on top of a 1-foot, 10-inch by 8-foot, 4-inch brick sign base (15.28 square feet). Since the base is included in the calculation of monument signs, the total area of the proposed sign would be 72.12 square feet. The proposed sign would be shorter and smaller than the existing nonconforming sign, but would still exceed the Sign Ordinance's height limitation by 2 feet, 5 inches (30% taller), and would exceed the maximum area allowed by 40.12 square feet (125% larger).

The electronic message display portion of the proposed monument sign would consist of 15 square feet. This is less than 50% of the proposed overall sign area of 72.12 square feet, the maximum percentage allowed by the Sign Ordinance.

### **Rationale:**

The purpose of a conditional sign permit is to allow for a specialized review of signs which may not be appropriate generally, but which, if limited as to the number, size, height, color, location, lighting, or relation to adjacent properties, would promote the health, safety, and general welfare of the citizens.

Most conditional sign permit requests involve requests for larger and/or taller signs in lieu of multiple signs that would normally be permitted by right, due to unusual physical constraints associated with the property or the applicant's desire to create a distinctive sign or comprehensive sign plan for the development. Under those circumstances the applicant typically offers some form of reduction in the overall quantity or size of signage on the property in exchange for the allowance. With the subject application, the applicant is proposing to replace the existing non-conforming sign with an electronic message sign as part of a new smaller monument sign, which would overall still exceed the maximum allowances, but by a smaller percentage.

**Existing Signs in the Vicinity:**

Sign Location	Sign Type	Approximate Height
Texas Oncology	Free-standing Monument	5.5 ft.
HD Supply	Free-standing Monument	5 ft.
East Common Place	Free-standing Monument	6.5 ft.
Common Central Park	Multi-tenant	16.5 ft.
Comal County Crisis Center	Free-standing Monument	7.5 ft.
Dairy Queen Corp. Office	Free-standing Monument	6 ft.
Common St. Professional	Multi-tenant	27 ft.
Albright Eyecare	Free-standing Monument	10 ft.
Billboard at Albright Eyecare	Billboard	28.5 ft.
DermaOne	Free-standing Monument	8.5
NB Oral Surgery	Free-standing Monument	5.5 ft.
Christ Presbyterian Church	Low Profile Pole	15.5 ft.

City Council approved a conditional sign permit earlier this year for the Lutheran Church further north on E. Common Street for an electronic message sign within the C-1 District. Due to lot configurations a second monument sign for the overall church campus was allowed. The approved electronic message sign was 7 feet, 8 inches in overall height with a sign area of 49.26 square feet (54% larger).

**Lot Size:**

0.721 acres

**Surrounding Zoning and Land Use:**

North - Across E. Common Street, C-1/ Commercial and government  
 South - Across Branch Lane, R-1A-8/ Residential low density  
 East - C-1/ Open space  
 West - C-1/ Commercial

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

Yes	<b>City Plan/ Council Priority:</b> 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	<b>Pros:</b> Objective 12A: Maintain fair and reasonable regulations for signs so that signs harmonize with the special qualities and appearance of New Braunfels.
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff does not typically recommend deviations from the Sign Ordinance standards unless a physical

hardship of the land or other justification is demonstrated. However, the Conditional Sign Permit process is intended to allow an applicant flexibility to create alternative signage designs to complement a development's unique characteristics, and for City Council to consider such designs in the context of a specific location.

While there does not appear to be any distinctive features associated with the subject property or business to justify the applicant's specific request, staff does recognize that the applicant's proposal would lessen the nonconformity of the existing sign through its reduction in size, and notes the recent approval of an electronic message sign in the same zoning district nearby.

Staff recommends **approval** of a smaller monument sign due to the reduction of the existing nonconformity. But, staff recommends **denial** of the proposed electronic message sign. However, if City Council is inclined to approve the electronic message sign, staff would recommend the following condition to reduce the impact on surrounding properties and motorists:

1. Between 10:00 pm and 6:00 am, the electronic message sign shall either remain a single static image, or be turned off.

Additionally, staff would recommend that any approval be conditioned on no other free standing signs being permitted on the site without approval of a new or amended conditional sign permit.

*Attachments:*

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