

Legislation Details (With Text)

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Title:	Public hearing and consideration of a request for a Conditional Sign Permit for The Plant Haus to allow a proposed freestanding pole sign to exceed the maximum adopted sign face area and height standards, in the 'C-1' Local Business District, addressed at 956 N. Walnut Avenue.		

Sponsors:**Indexes:****Code sections:****Attachments:** 1. Aerial Map, 2. Application, 3. Proposed Sign Elevation Plan, 4. Proposed Site Plan, 5. Applicant Written Rationale for Request, 6. Comparison Table

Date	Ver.	Action By	Action	Result
1/25/2021	2	City Council		

Presenter

Christopher J. Looney, AICP, Planning and Development Services Director
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SUBJECT:

Public hearing and consideration of a request for a Conditional Sign Permit for The Plant Haus to allow a proposed freestanding pole sign to exceed the maximum adopted sign face area and height standards, in the 'C-1' Local Business District, addressed at 956 N. Walnut Avenue.

BACKGROUND / RATIONALE:**Case No.:** CS20-0293**Council District:** 3**Applicant:** Lydell Toye (U.S. Signs)
258 Trade Center Drive
New Braunfels, TX 78130
ussignsnb@gmail.com**Staff Contact:** Maddison O'Kelley, Assistant Planner
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The subject property is comprised of two lots totaling approximately two acres, and located on N. Walnut Avenue. The property has 362.81 feet of frontage and is zoned 'C-1' Local Business District. The current use of the property is a plant nursery.

New Braunfels' Sign Ordinance allows sign types and sizes based upon the zoning district and

specific street frontage. The subject property is allowed the following signage:

- The C-1 zoning district allows either:
 - One low-profile pole sign up to 6 feet in height and 20 square feet in area, with a 10-foot minimum setback; **or**
 - One freestanding monument sign up to 8 feet in height and 32 square feet in area (including the monument structure), with a 10-foot minimum setback.

The Conditional Sign Permit process is intended to:

1. allow an applicant flexibility in creating alternative signage designs to complement a development's unique characteristics;
2. increase sign area and/or height in lieu of multiple signs they would otherwise be allowed; and/or
3. allow additional signage due to unusual constraints associated with the property.

Through this process, City Council can consider such requests within the context of a specific location.

Proposal

A legally nonconforming pole sign located within the parking lot on the property was struck and damaged by an oversized vehicle last year. The sign was considered legally nonconforming because it had a larger sign area and height than allowed and was located within the required 10-foot setback. The Sign Ordinance states that, in the event that the alteration, modification or improvement to a nonconforming sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location, it shall be eliminated or made to conform to the regulations of the Sign Ordinance. The cost to reconstruct the existing sign would exceed 60 percent of the cost to erect a new sign, therefore a new sign that complies with the sign regulations for 'C-1' is required.

The applicant is proposing to demolish the existing damaged pole sign and construct a new low-profile pole sign on the property that is the same area and height as the existing sign and is relocated out of the parking lot to be set back 34 feet from the property line. The sign is designed to provide enough area for four lines of marquee copy area.

The applicant's proposal includes:

- A proposed sign face measuring approximately 64 square feet, exceeding the maximum sign area of 20 square feet for a low-profile pole sign in the C-1 district by 44 square feet, and;
- An overall sign height that measures 15 feet in height, exceeding the maximum height of 6 feet for a low-profile pole sign in the C-1 district by 9 feet.
- Locating the proposed sign 34 feet from the front property line and therefore bringing the setback of the sign into compliance.

The sign is proposed to be relocated in order to ensure it is not prone to damage from vehicles accessing the parking lot. The applicant cites the increased sign area and height as necessary in order to maintain visibility due to the setback of the new sign. The applicant further states that oversized vehicles such as trucks and freight trucks frequent the location regularly and would block the visibility of the proposed sign if it is required to maintain the maximum height and area permitted.

There is currently an outstanding commercial permit application to expand the existing parking lot on the subject property. The parking lot is proposed to extend along the property's front property line

along N. Walnut Avenue.

Surrounding Zoning and Land Use:

North - C-1 and R-2

South - C-1

East - C-1 and R-2

West - Across Walnut Avenue, C-1B

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

City Plan/ Council Priority: Chapter 106 of the City's Code of Ordinances	Sec. 106-2 Purposes and Objectives. Encourage the effective use of signs as a means of communication in the City; maintain and enhance the community's overall aesthetic environment and the City's ability to attract sources of economic development and growth; improve pedestrian and traffic safety; minimize the possible adverse effects of signs on nearby public and private property; enable effective outdoor advertising.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

As stated above, 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. If the sign is moved out of the existing and proposed parking lot to meet the minimum setback of 10 feet required for new signage, it will need to be located closer to the main structure where its visibility may be impacted by parked and moving vehicles due to the limited space for a parking area at this site. Staff recommends approval as the proposed sign's setback would be brought into compliance and the likelihood of the sign's proposed area and height to create an unfavorable impact appears to be minimal.

Should City Council approve the Conditional Sign Permit for this site, Staff recommends the followings conditions:

1. No additional freestanding sign may be permitted on either lot without approval of a Conditional Sign Permit by City Council.
2. Any outstanding permits for improvements on the property must be issued prior to approval of the proposed sign.

RESOURCE LINKS

- Chapter 106 Sign Ordinance, Sec 106-8(d) Conditional Sign Permit:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 106 Sign Ordinance, Sec 106-14(a) Sign Dimensional Standards:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 106 Sign Ordinance, Sec 106-7(2) Nonconforming sign standards

Attachments:

1. Aerial Map
2. Application
3. Proposed Sign Elevation Plan
4. Proposed Site Plan
5. Applicant Written Rationale for Request
6. Comparison Table Showing Allowable Sign vs. Requested Sign