

Legislation Details (With Text)

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| File created: | 3/16/2021 | In control: | City Council |
| On agenda: | 4/12/2021 | Final action: | |
| Title: | Public hearing and consideration of a request for a Conditional Sign Permit for Tree of Life Church to allow for the modification of an existing legally nonconforming freestanding pole sign to include an electronic message sign cabinet in the 'M-1' Light Industrial District, addressed at 5513 IH 35 South. | | |
| Sponsors: | | | |
| Indexes: | | | |
| Code sections: | | | |
| Attachments: | 1. Aerial Map, 2. Zoning Map, 3. Application, 4. Proposed Sign Elevation Plan, 5. Site Plan, 6. Comparison Table | | |

| Date | Ver. | Action By | Action | Result |
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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 Tree of Life Church to allow for the modification of an existing legally nonconforming freestanding pole sign to include an electronic message sign cabinet in the 'M-1' Light Industrial District, addressed at 5513 IH 35 South.

BACKGROUND / RATIONALE:

Case No.: CS21-0077

Council District: 1

Applicant: Lydell Toyne (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 approximately 39 acres and has approximately 625 feet of frontage along Interstate 35 South. The front where the sign is located is zoned 'M-1' Light Industrial District. The remainder of the property is zoned 'C-1B' General Business District and is currently used for a church.

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

frontage. Due to the property's frontage on IH 35, the subject property is allowed the following signage:

- One pole sign up to 40 feet in height and 400 square feet in area, with a 5-foot minimum setback; **or**
- One electronic message pole or monument sign up to 40 feet in height and 200 square feet in area with a maximum of 100 square feet per sign face, with a 15-foot minimum setback.

Proposal

There is currently a legally nonconforming pole sign on the property. Likely erected before the City had a sign ordinance, the sign is considered legally nonconforming due to the sign's area and height:

- The overall sign face area exceeds the maximum area of 400 square feet by approximately 613 square feet; and
- The overall sign height exceeds the maximum height of 40 feet by 17 feet.

A 120 square foot marquee sign cabinet was removed from the existing sign; however, with its removal the sign still exceeded the maximum allowable area. The applicant is requesting a conditional sign permit to allow a 100 square foot electronic message sign cabinet to be constructed in the same location as the former marquee sign cabinet.

By installing an electronic message sign cabinet to the existing sign, the sign type changes to an electronic message pole sign. The required dimensional standards for the sign change from the dimensional standards for a pole sign to the dimensional standards for electronic message signs, which are more restrictive regarding sign face area and setbacks. Furthermore, the Sign Ordinance states that a nonconforming sign may not be enlarged to include larger supporting structures, sign face area, or height. This provision is intended to result in eventual sign compliance across the community. Because the marquee sign has already been removed, the electronic message sign is considered an enlargement of an existing legally non-conforming sign.

The sign as proposed by the applicant would be:

- A proposed overall sign face measuring approximately 913.60 square feet in area, exceeding the maximum sign area of 100 square feet per sign face for an electronic message pole sign by 813.60 square feet; and
- An overall sign height that measures 57 feet in height, exceeding the maximum height of 40 feet for an electronic message pole sign by 17 feet.

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.

Surrounding Zoning and Land Use:

North - Across Interstate 35, M-1

South - C-1B

East - Across Doeppenschmidt Road, APD

West - M-1A

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

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| 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:

Staff recommends approval of the request with the following conditions:

1. The electronic message cabinet must be used to solely advertise for the existing church use (not for off-premise advertising).
2. The electronic message cabinet must abide by the additional restrictions set forth in Sec.106-14(c)(10) to ensure the electronic display does not create a distracting or hazardous nuisance.

RESOURCE LINKS

- Chapter 106 Sign Ordinance, Sec 106-8(d) Conditional Sign Permit:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH106SI_S106-
- Chapter 106 Sign Ordinance, Sec 106-14(a) Sign Dimensional Standards:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH106SI_S106-
 - Chapter 106 Sign Ordinance, Sec 106-7(2) Nonconforming sign standards
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH106SI_S106-

Attachments:

1. Aerial Map
2. Zoning Map
3. Application
4. Proposed Sign Elevation Plan
5. Site Plan
6. Comparison Table Showing Allowable Sign vs. Requested Sign