

## Legislation Text

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File #: 17-835, Version: 2

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Presenter

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**SUBJECT:**

Discuss and consider a request for a conditional sign permit for two high profile monument signs located at 1687 Hwy 46 South.

**BACKGROUND / RATIONALE:**

Case No.: CS-17-035

Council District: 2

Applicant/Owner: Lydell Toyne (U.S. Signs)  
258 Trade Center Drive  
New Braunfels, TX 78130  
(830) 629-4411  
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Staff Contact: Katherine Crowe, Planning Technician  
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**Location and Current Code Requirements**

The subject property is 2.98 acres located on the north corner of State Highway 46 South and F.M. 758 with approximately 362 feet of frontage along State Highway 46 South, and approximately 365 feet along F.M. 758 and zoned "MU-B" High Intensity Mixed Use District. The subject property is currently being developed with a Shell gas station and convenience store with an attached Wendy's restaurant making it a multi-tenant property.

Sign types and sizes are allowed based on zoning and specific street frontage:

- The MU-B zoning district is allowed one freestanding monument sign **or** one low profile pole sign per 300 feet of frontage, **or** one electronic message sign in lieu of any other freestanding signs. Monument signs are limited to 10 feet in height and 48 square feet. Low Profile pole signs are limited to 10 feet in height and 25 square feet. Both sign types require a minimum 5-foot setback.
- Properties with frontage on State Highway 46 are also allowed one free standing monument sign **and** one *high profile* monument sign per 300 feet of frontage. Monument signs are limited to 10 feet in height and 60 square feet. High profile monument signs are limited to 28 feet in

height and 225 square feet. Properties with State Highway 46 frontage are allowed one electronic message sign in lieu of **all** other free standing signs, limited to 28 feet in height and 200 square feet, including a maximum 100 square-foot sign face. The freestanding monument sign and high profile monument sign types require a minimum 5-foot setback; an electronic message sign requires a minimum 15-foot setback.

- Multi-tenant properties are required to share a sign structure which may be any sign type allowed. Additionally, multi-tenant properties are also allowed one 32 square-foot monument sign at a maximum height of 5 feet at each driveway to direct traffic to various areas and business within the development.

Additional design standards for monument signs specify that the sign face shall not exceed 50 percent of the overall sign structure, and the sign base shall not be more than 50 percent wider than the sign structure.

The subject property is under construction, so no other signage currently exists and any future wall signs are not regulated by the City's Sign Ordinance. To summarize, the subject property is allowed by the currently adopted Sign Ordinance to have: **one high profile monument sign and one monument sign along SH 46, and two additional free-standing signs (either monument or low profile pole), OR one electronic message sign in lieu of all of the otherwise allowed free standing signage.**

**Proposal:**

The applicant is proposing to construct two high profile monument signs. However, the property is allowed only one *high profile* monument sign based upon the 362 feet of frontage along State Highway 46. High profile monument signs are allowed along the following thoroughfares: Loop 337, State Highway 46, Business IH 35, FM 306, FM 725 and IH 35. FM 758 is not included within this group; therefore, the frontage along FM 758 does not qualify the subject property for a high profile monument sign along FM 758. Signage along FM 758 is limited to the signage allowed based on the "MU-B" zoning.

The two proposed high profile monument signs are identical. The sign structures consist of five stacked sign cabinets on top of a sign base resulting in an overall height of 28 feet. The dimensions for the stacked sign cabinets are 27 feet in height by 8 feet in width (216 square feet of sign face) and a sign base of 1 foot by 8 feet (8 square feet). A sign base is included in the total area of a sign, so the proposed sign would be 224 square feet. Both proposed signs are at the maximum allowed height of 28 feet and just under the maximum allowed area of 225 square feet for high profile monument sign structures.

The Sign Ordinance stipulates that sign faces of monument signs cannot exceed 50 percent of the overall area of the sign structure. Therefore, the proposed 224 square foot sign structures are allowed a maximum sign face of 112 square feet. The proposed signs have sign faces of approximately 216 square feet, exceeding the maximum allowed sign face area by 104 square feet (192.86%).

Additionally, the proposed signs would be internally illuminated with a white background. Such signs are brighter at night than are signs with dark/opaque backgrounds where only the lettering or logo is

illuminated.

The conditional sign permit process is intended to offer applicants opportunities to request alternative sign sizes and/or heights in lieu of multiple signs that would otherwise be allowed by right, due to unusual constraints associated with the property or the applicant's desire to create a distinctive sign or sign plan. Under those circumstances the applicant typically offers some form of reduction in the overall number or size of signage on the property in exchange for the allowance.

The subject application does not include the following allowed signs on the site.

SH 46:

- A 60-square foot monument sign 10 feet in height
- A 32-square foot multi-tenant directional signs at the driveway entrance

FM 758:

- Two free standing signs - 48-square foot monument signs 10 feet tall or 25-square foot low profile pole signs 10 feet tall
- Any 32-square foot multi-tenant directional signs at the driveway entrance

A sign permit was issued for the subject property on March 27, 2017. However, the applicant indicated the previously permitted sign would no longer be visible in the original size and configuration due to the NBU power poles and new TxDOT signal boxes located in the utility easement along State Highway 46 and F.M. 758. The applicant stated the obstructions and road signage modifications to the intersection of State Highway 46 and F.M. 758 has created visibility issues for the subject property. The two proposed high profile monument signs are intended to alleviate the long term visibility issues and are an attempt to meet both food service partner and oil company supplier needs. The applicant stated advertising of the facility and its fueling options are very important, as well as required by the food service partner and gasoline supplier.

***Existing Signs in the Vicinity:***

<b>Sign Location</b>	<b>Sign Type</b>	<b>Approximate Height</b>
Chicken Express	Electronic Message	27.5 ft.
Clear Springs Restaurant	Low Profile Pole	23 ft.
Residential Property	Billboard	25 ft.
Vacant	Billboard	61 ft.
Ridgway Used Automobiles	Low Profile Pole	6 ft.
Rust Game Place	Monument	14 ft.

***Lot Size:***

2.98 acres

***Surrounding Zoning and Land Use:***

North - C-1 and APD/ Residential low density

South - Across the intersection of State Highway 46 S. and FM 758, C-1 and C-1B/Commercial and residential low density

East - Across FM 758, APD and MU-B/ Open space and residential low density

West - Across State Highway 46 S., C-1 and M-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: Goal 12:</b> Protect and enhance the visual environment of the City. <b>Objective A:</b> <i>Maintain fair and reasonable regulations for signs so that signs harmonize with the special qualities and appearance of New Braunfels (specifying size, height, locations).</i>
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

As noted 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.

Staff recommends **denial** of the requested high profile monument sign along FM 758. Staff recommends signage along FM 758 be allowed as required by Code; this roadway does not carry the same volume of traffic as the roadways included in the High Profile Monument group and is a standard commercial road on the City's Regional Transportation Plan. Additionally, while there are visual obstructions at the intersection, there does not appear to be significant topographic features or hardships associated with the subject property to justify the *additional* sign height and area for this proposed sign.

However, Staff recommends **approval** of the increased sign face area on the single high profile monument sign along SH 46 as it is a multi-tenant sign and includes the necessary fuel sale prices, with the following conditions:

1. An easement encroachment must be granted by NBU to allow the sign to be located within the 20-foot wide utility easement. Otherwise the sign would need to be set back further, situated outside of NBU's easement.
2. With this sign and a conforming sign along FM 758, that no other free-standing sign be allowed without the approval of a new conditional sign permit by the City Council.
3. Provide an opaque background for the sign face or a background in a non-white color to reduce the brightness and glare of the sign at night.

**Attachments:**

1. Aerial Map
2. Zoning Map
3. Application
4. Proposed Site Plan
5. Proposed Sign Elevation Plan
6. Comparison Table Showing Allowable Signs Vs. Requested Signs
7. Map of Existing Signs in the Vicinity
8. Subject Property Visibility Before and After Installation of TxDOT Pole and Box

9. Photos of Site and Surrounding Area
10. Excerpt from the Sign Ordinance
11. Regional Transportation Plan