

# MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING

## PLANNING COMMISSION/ BOARD OF ZONING APPEALS

June 26, 2008

**Commissioners Present:** Cowman, McLean, Bonner, L. Smith, Wrischnik, King

**Commissioners Absent:** Gage

**Others Present:** Justin Givens, Amy Barenklau, Megan McFarland

**Item 1: Sign Deviation** – Consider an application from the UPS Store at 1601 East Peoria.

Planner Givens presented the staff brief. The owners of The UPS Store at 1601 East Peoria have requested a sign deviation in order to place a wall sign on the north wall of the Paola Crossing Shopping Center. When originally submitted the developer chose not to place a monument sign for the property, which is allowed in the city's sign regulations.

### **Analysis:**

Section 07.215 states that;

In the case of a unified development consisting of multiple buildings (attached or freestanding) or multiple tenants in a single building, one detached ground sign may be permitted identifying the entire center. The sign shall not exceed 20 feet in height and the sign face shall not exceed 100 square feet in area.

One wall sign shall be allowed for each business or commercial establishment in a unified development and shall be located on the facade of the tenant space. Each tenant sign may not exceed 10% of the front façade of the space the tenant occupies. In cases where one or more tenants do not have a front façade, a comprehensive sign plan must be submitted for the entire development. (Ordinance #2772, 03/13/01)

Since the developer of the property has chosen not to install a monument sign, the applicant, who occupies the northern most corner store in the complex, has requested a sign deviation to place a wall sign on their north facing façade. As submitted, the wall sign would be 5% of the total wall size, which if this property was a freestanding building would be allowed.

The LDO states that the Planning Commission shall consider the following criteria in acting upon a request for deviation:

**Purpose And Intent Of Code:** Is granting of the deviation in compliance with the general purpose and intent of the City's signage regulations?

- A. **Impacts On Adjacent Properties:** Will granting of the deviation adversely affect neighboring property owners or residents? Is the image presented by the sign or attention-attracting device consistent or compatible with that in the area as a whole?
- B. **Safety:** Will granting of the deviation adversely affect safety? For free-standing signs, a safe sight-distance setback is required, and the sign location must not encroach upon potential future right-of-way needs. The use of signs or attention-attracting devices should not significantly distract traffic on adjacent streets.
- C. **Visual Clutter:** Will granting of the proposed deviation significantly clutter the visual landscape of the area? The proposed deviation, in addition to all existing or potential future signs on nearby tracts, should be reviewed for their impact on cluttering the visual landscape. Reductions in the total number of signs or their size may be needed, or setbacks increased, to compensate for other signs and attention-attracting devices in the area.
- D. **Site Constraints:** In some situations, topography, landscaping, existing buildings or unusual building design may substantially block visibility of the applicant's existing or proposed signs from multiple directions. While visibility of a sign or attention-attracting device is not to be guaranteed from all directions, deviations may be appropriate to provide reasonable visibility of a business's main sign.
- E. **Lighting:** Sign or attention-attracting device lighting should not disturb residents of nearby residential land uses or adversely affect traffic on adjacent streets.
- F. **Promotion Of High Quality - Unique Design:** The proposed sign(s) should be of high quality and must be compatible and integrate aesthetically with daytime/nighttime color, lighting and signs of the development and adjacent buildings. Facade signs may include unique copy design including painting of walls or integration into canopies/awnings, shapes, materials, lighting and other design features compatible with the architecture of the development of surrounding area. Attention-attracting devices should be of a unique, high quality design, which accentuates the architecture of the building(s) served, versus functioning solely to draw attention to it.

Staff is concerned that the issuance of this deviation will cause other occupants of the building to request similar sign deviations. At that point, the Planning Commission may be faced with several decisions. Since no common sign has been erected, the Planning Commission could consider:

1. Allowing each occupant a sign of 5% of the wall
2. Allowing each occupant a sign with the total sum being 5% of the wall
3. Not allowing additional signs as the corner tenant is the only space facing north

**Issue:**

Does the Planning Commission wish to approve the sign deviation?

**Actions:**

Approve / Not approve the Sign Deviation

Table the matter for further study

Commissioner Wrischnik inquired if this deviation would be in front of the Planning Commission if the developer had built a monument sign? Commissioner Cowman inquired if there was room in the development for a monument sign? Planner Givens stated it would not and that he believed there was room for a monument sign that could meet required setbacks.

All Commissioners stated they could understand why any of the tenants would like to have signs on the north side of the building, especially due to the lack of a monument sign for the retail center.

Planner Givens stated that if the deviation was approved, the Commissioners could place a stipulation on the approval that if a monument sign was ever built that the UPS sign on the north side of the building would have to be removed.

Commissioner Cowman inquired if the building owner had made any comments in regards to the signage? Planner Givens stated that the indication given to staff was that the building owner does not have a preference.

Commissioners voiced their concerns that if they approved this deviation and the other tenants requested the same that there would not be any uniformity. Also stated was that there is no statement in the LDO that a certain space in a building 'belongs' to a specific tenant and no one else in the development.

Commissioner McLean stated that if there were no other tenants, he felt it would not be a problem, but in a multi-tenant development maybe a monument should be required. He also voiced concern that this may happen more in the future and asked if it needed to be addressed.

Commissioners Smith and Cowman both felt that the LDO was pretty specific about signage in a multi-tenant development. Commissioner Cowman felt that the owner choosing not to build a monument sign was a detriment to the tenants, but that if they approved the deviation for one tenant, they would have to approve one for others. He stated he felt that a monument sign or one on the side of the building where all could be listed would be agreeable to him, but would want them to submit a plan for approval.

*Commissioners Cowman and Bonner made a motion to deny the request for a sign deviation at 1601 East Peoria. All Commissioners voted in favor.*

**Item 7: Adjournment**

*Commissioners Cowman and Smith made a motion to adjourn with all Commissioners voting in favor.*