
City Council Regular Meeting

DEPARTMENT: Development Services

FROM: Tony McIlwain, Director Development Services

MEETING: January 9, 2023

SUBJECT:

McNairn Plaza at 826 SW Wilshire Blvd (Case 22-143): Consider approval of a resolution for a sign variance to the setback of a pylon sign; Chapter 63, Sign Regulations. *(Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item.)*

SUMMARY:

On October 17, 2022, an application was submitted by Amber Almand with Dynamic Sign Solutions, on behalf of the owner (Retail Partners-Wilshire LLC) for a sign variance to allow a pylon sign to encroach within ten feet (10') of the property line. Per the sign code, all freestanding signs shall be setback a minimum of ten feet from the property line. The applicant is requesting the multi-tenant pylon sign be set back approximately two inches (2") from the northern property line. The applicant's justification for approval in granting the variance has been attached as Exhibit 3.

Planning Analysis

Section 63-50 (Generally) of the Freestanding Sign section of the Sign Ordinance contains the following requirement:

- (a) All freestanding signs shall be setback a minimum ten feet from the property line.

Section 63-57 (Pylon Sign) of the Sign Ordinance contains the following requirements:

- (a) *Location.*
 - 1. Signs must be premises signs.
 - 2. Signs shall be allowed to locate on premises adjacent to IH 35, Chisholm Trail Parkway and within the North Wilshire Sign Corridor.
 - a. North Wilshire Sign Corridor map [see figure 63-H above]. The extent of the North Wilshire Sign Corridor is defined as properties fronting on either side of Wilshire Boulevard, north of Elk Drive and south of IH 35.
- (b) *Area.*
 - 1. Premises adjacent to IH 35 — Maximum 300 square feet - Premises adjacent to Chisholm Trail Parkway — Maximum 200 square feet - Premises adjacent to North Wilshire Sign Corridor:
 - a. Maximum 100 square feet for single tenant.

b. Maximum 150 square feet for multi-tenant.

(c) *Height.*

1. Premises adjacent to IH 35 — Maximum 50 feet - Premises adjacent to Chisholm Trail Parkway — Maximum 30 feet - Premises adjacent to North Wilshire Sign Corridor — Maximum 25 feet; except for multi-tenant buildings in which case an additional 18 inches of sign height may be granted for each business but in no event may exceed a maximum sign height of 30 feet.
2. Signs must maintain a ten-foot clearance from ground to bottom of sign cabinet.
3. Where the average grade of the lot on which a sign is placed is at or above the adjacent street grade, the sign shall be measured from the grade level adjacent to the sign. Where the average grade of the lot is below the adjacent street grade, the sign height shall be measured from the adjacent street grade.

(d) *Number of signs.* One per premises.

(e) A landscaping bed shall be required around the base of the pylon sign and shall be equal in area to one-half the square footage of the sign area. The landscape bed shall be planted with a mix of seasonal material such as annuals or bulbs or low to moderate growth shrubs and decorative trees. The landscape area around the sign shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, etc.

(f) A minimum of 25 percent of the sign structure width must be in contact with the ground. Poles and supports shall be concealed. Pylon signs shall be of similar color, material and design so as to be consistent with the architectural design of the primary structure.

Approval Standards in Granting a Variance.

(Chapter 63-Sign Regulations, Section 63-12(b) - Variances):

Consideration	Applicants Justification
<i>Special conditions</i> exist that are <i>peculiar to the land, structure or building</i> involved and are not applicable to other lands, buildings or structures in the same vicinity. The City may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this chapter.	Based on applicants provided justification Disagree. The irregular shape of lot 4 was designed and submitted by the owner/developer during the site plan process.
The <i>strict interpretation</i> of the chapter would <i>deprive the applicant of rights commonly enjoyed by other properties</i> in the vicinity under the terms of this chapter.	Disagree. Staff is unaware of any adjacent businesses free standing signage abutting property lines.

Special conditions and circumstances do not result from the actions of the applicant(s) and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences.	Disagree. New development
Granting the variance will meet the objectives of the ordinance and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare	Disagree. The proposed signage will be setback roughly two inches from the northern property line and two feet from the curb of the main access drive off Wilshire Blvd.
The request will be the minimum variance necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of this chapter; and	Agree. In order to achieve sign visibility off Wilshire, the sign is limited to only the location currently proposed.
Granting the variance will be in harmony with the spirit and purpose of this chapter.	Disagree. Proposed location is in direct conflict with the code and is unharmonious with the surrounding area.

OPTIONS:

- 1) Approve the sign variance with or without conditions;
- 2) Deny the sign variance.

RECOMMENDATION:

Staff recommends disapproval of the sign variance for a pylon sign based on the restricted location and encroachment concerns.

FISCAL IMPACT:

None.

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