
City Council Regular Meeting

DEPARTMENT: Development Services

FROM: Tony McIlwain, Director Development Services

MEETING: March 6, 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.

On January 9, 2023, the aforementioned waiver request was seen by City Council and tabled to a later date. Per City Council request, the applicant was instructed to consider alternative sign locations and return to discuss them in greater detail. The original location was pursued by the applicant because it was the only area that lot 4 had frontage along Wilshire. Lots 1, 2 and 3 all have more extensive frontage off of Wilshire, however, easements and setbacks limited the areas of opportunity for additional signage. Furthermore, some of these lots were sold off and the Developer has no rights to the property.

Planning Analysis

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

- (a) All freestanding signs shall be setback a minimum ten feet from the property line.
- (b) Combination of freestanding sign types allowed on a premises at any given time is as follows:
 - (1) A premises may either have a pole sign, or a pylon sign or a monument sign if permitted by this chapter;

Applicant Options

Please refer to the attachment *Exhibit 5 – Alternative Options* as a visual reference to the following:

Option 1 – Original Request

- Waiver:
 1. Allow a pylon sign to encroach within ten feet (10') of the property line. The applicant is requesting the multi-tenant pylon sign be setback back approximately two inches (2") from the northern property line.

Option 2 – Dutch Bros (Lot 1)

- Conditional upon landlord approval from Dutch Bros.
- Waivers:
 1. Allow a pylon sign to encroach within ten feet (10') of the property line. The applicant is requesting the multi-tenant pylon sign be setback back approximately 7' from the eastern property line.
 2. Allow for a pylon sign and a pole sign on the same premises.

Option 3 – Lot 4 Interior

- Waiver:
 1. Allow a pylon sign to encroach within ten feet (10') of the property line. The applicant is requesting the multi-tenant pylon sign be setback back approximately 5' from the eastern property line abutting Lot 3.

Approval Standards in Granting a Variance.

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

Consideration
<p><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.</p>
<p>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.</p>

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.
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
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
Granting the variance will be in harmony with the spirit and purpose of this chapter.

OPTIONS:

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

RECOMMENDATION:

On January 9, 2023, staff recommended denial of the original sign location request (Option 1).

FISCAL IMPACT:

None.

STAFF CONTACT:

Tony McIlwain
 Director of Development Services
tmcilwain@burlesontx.com
 817-426-9684