



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, April 26, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	Request for Conditional Use Permit by BN Kor Investments LLC at 507 South Highway 23
<b>Background Information:</b>	<p>BN Kor Investments LLC applied for a Conditional Use Permit for an advertising sign at 507 South Highway 23. This sign will be installed behind a private driveway. This is a so-called dynamic display LED sign which is a sign with the electronic image that changes every so often. Similar signs were installed at the corner of Highway 59 and Highway 23 and Highway 19 and Highway 23. The City staff has not heard any adverse or negative comments about those signs and it appears that the highway traffic has not been affected.</p> <p>The new sign will consist of two LED panels, 11 feet by 23 feet each, installed at about 30-degree angle to each other to face traffic on Highway 23 in both directions. The overall height of the sign is requested to be 27 feet. Each panel size is less than maximum allowed length of 55 feet and smaller than previously installed signs of this nature.</p> <p>The City of Marshall does not have an ordinance that regulates those signs and not many other cities do. The science of the light and brightness is complicated. The Condition 4 pertaining to this issue is based on the State regulations, industry standards, and other communities' rules. All conditions may be revised, or new conditions added by both the Planning Commission and the City Council.</p> <p>Advertising sign definition may be found in Section 86-1 under Sign, Advertising, and sign regulations for this zoning district are in Section 86-185 (3). The Conditional Use Permit regulations are found in Section 86-46 and the Standards for Hearing are found in Section 86-49. An area site diagram, sign specifications and drawings are all attached.</p> <p>A Public Hearing took place at the Planning Commission meeting on April 13, 2022, a motion was made by Muchlinski, second by Deutz, to recommend approval of the Conditional Use Permit, with the listed conditions, to City Council. ALL VOTED IN FAVOR OF THE MOTION.</p>
<b>Fiscal Impact:</b>	None known.
<b>Alternative/Variations:</b>	None recommended.
<b>Recommendations:</b>	<p>Planning Commission recommends that the Council approve a Conditional Use Permit request by BN Kor Investments LLC, for a Conditional Use Permit for an advertising sign at 507 South Highway 23, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The sign must be installed as shown on attached sketch. A survey showing exact sign location by the registered land surveyor shall be filed with the City of Marshall prior to sign installation. The sign or any part thereof shall not encroach into any public right-of-way or adjacent property.</li> <li>2. This permit is for the sign structure described as follows: <ol style="list-style-type: none"> <li>a. Two panels will be installed at an angle to each other.</li> <li>b. Each sign shall be no greater than 12 feet by 25 feet.</li> <li>c. The overall height of the sign shall be no more than 30 feet.</li> </ol> <p>Prior to sign installation, a sign permit application must be applied and paid for. Structural drawings showing sign footing and foundations shall be signed by a registered professional engineer and submitted along the sign permit application.</p> </li> <li>3. The sign structure shall be maintained in a safe condition and all surfaces maintained without blemish or defects. The current land and sign owner, and all future sign and</li> </ol>

	<p>landowners are fully responsible for maintenance, together or separately.</p> <ol style="list-style-type: none"><li>4. The sign shall comply with the following in regard to image change and brightness:<ol style="list-style-type: none"><li>a. Image Change Frequency: Not more often than every 6 seconds.</li><li>b. Image transition shall be instantaneous without any special effect.</li><li>c. Image maximum illumination shall be not more than 0.3-foot candle above ambient light at a distance of 150 feet from sign face.</li><li>d. No flash or moving images are allowed.</li><li>e. The sign brightness shall adjust depending on ambient light conditions.</li><li>f. The sign image shall be discontinued in case of sign malfunction.</li></ol></li><li>5. The sign owner shall adjust the sign brightness if the City finds it to be too bright and interfering with driver's operation of motor vehicle and official traffic control.</li><li>6. The City of Marshall is granted the right to utilize this sign for any safety related messages when necessary.</li><li>7. Obtain the required permit from the State Department of Transportation.</li></ol>
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