



### CITY COUNCIL AGENDA ITEM

**To:** Mayor Graham and City Council

**From:** Ted Shekell, Planning Director  
Walter Denton, City Administrator

**Date:** March 17, 2008

**Subject:** A **MOTION** to confirm the decision of the Zoning Hearing Officer to approve a sign variance to the rear yard setback requirement for a freestanding sign in the B-1 District for the subject property at 1115 Frontage Road.

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**List of committees that have reviewed:** The Community Development Committee reviewed and unanimously concurred with the Zoning Hearing Officer's decision to approve the sign variance to the City's rear yard setback requirements to construct a freestanding sign with a 10-foot setback along Highway 50 at 1115 Frontage Road. The City Council has 21 days right-of-review on the decision, which would end on March 20, 2008. If the full Council is in agreement with the decision, then it could decide to not vote on the matter at the Council meeting, and in doing so the ZHO's decision becomes automatically effective on March 20, 2008.

**Background:** The Zoning Hearing Officer ruled to approve ZHO2008-02, a petition requesting sign variance to the rear yard setback requirements for a freestanding sign. The subject property is zoned "B-1" Community Business District. The applicant requested a sign variance to the 20 ft rear yard setback to allow for a 56 sq ft (8' x 7') freestanding sign with a height of 18 ft. According to the proposed site plan, the applicant is proposing a 10-ft rear yard setback variance. The ordinance classifies the area along Frontage Road as the front yard and the area along Highway 50 as the rear yard. The ordinance requires a rear yard setback of 20 ft for freestanding signs. Therefore, the petitioner is requesting a variance to construct a freestanding sign as described above. The ZHO granted the sign variance with the following conditions:

1. The proposed freestanding sign must be designed into a monument sign.
2. The monument sign is to have:
  - a. A maximum sign height of 10 ft;
  - b. A maximum sign base of three ft;
  - c. A maximum sign face of 49 sq. ft (7' x 7');
  - d. The maximum sign face includes the area for an LED display board to be no larger than 1 foot by 7 feet, and the maximum amount of remaining sign face is decreased by the area of the LED display board.
  - e. Construction of brick base to match the existing building; and

3. No other freestanding signage will be permitted on the subject property.
4. The property owner will not allow commercial tenants to erect other temporary forms of advertising, including but not limited to such past signage and displays that have been ticketed, being a banner hanging on the fence, freestanding temporary yard banner and displays hung on the wall, other than what is now displayed on the building.

**Legal Considerations, if any:** None

**Budget Impact:** None

**Staff Recommendation:** Staff recommends the City Council confirm the ZHO's decision to grant the variance with the conditions listed above.