



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council

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

Date: August 18, 2008

Subject: A **MOTION** to confirm the decision of the Zoning Hearing Officer to approve a sign variance to the real estate sign size requirements and the use of a prohibited trailer sign and a **MOTION** to overturn the decision of the Zoning Hearing Officer to deny the 120 sq ft real estate banner in the B-1(P) District for the subject property at 475 Regency Park Drive for Balke-Brown & Associates.

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 real estate sign size requirements to allow the use of a prohibited trailer sign at 475 Regency Park Drive for Balke-Brown & Associates. However, the Committee unanimously opposed the ZHO's decision to deny the 120 sq ft real estate banner to be posted on the building and keep the original banner design and dimensions.

The City Council has 21 days right-of-review on the decisions, which would end on August 19, 2008. The full Council must vote to allow the variances on the trailer sign and real estate banner sign at the Council meeting.

Background: The Zoning Hearing Officer ruled to approve the trailer sign but deny the real estate banner sign for ZHO2008-19, a petition requesting sign variances to the real estate sign requirements and the use of a prohibited trailer sign. The subject property is zoned "B-1(P)" Planned Community Business District. The applicant requested a sign variance to the real estate sign to allow for a 360 sq ft trailer sign and a 120 sq ft real estate banner sign. The ordinance allows a maximum 32 sq ft for a real estate sign and prohibits the use of trailer signs. Therefore, the petitioner is requesting a variance to allow the trailer sign and real estate banner sign as described above. The ZHO denied the sign variance for the real estate banner sign and expressed issues with the original banner design and message. However, the ZHO granted the sign variance for the trailer sign with the following conditions:

- 1) The trailer be secured in its location by straps or other means, approved by the building official, for wind load to prevent movement.
- 2) The trailer sign shall not exceed 360 sq. ft for each of the two sides of the trailer for a total of 720 square feet of signage.
- 3) Temporary signs are approved only to appear for a period of six months, which may be extended at the discretion of the City for an additional six month time period upon written request.

- 4) That the signs on the trailer prominently feature the real estate development name and not constitute solely on advertisement for Balke-Brown, said sign to meet with the approval of the City based upon this Order.

Staff Update: Following the Committee meeting, the applicant requested that the revised banner design with the same dimensions be accepted, contrary to the Committees recommendation of the original design and message. Staff recommends that the Council approve the revised banner design with the same dimensions.

Legal Considerations, if any: None

Budget Impact: None

Staff Recommendation: (1) Staff recommends the Council vote by MOTION to re-affirm the ZHO's decision to approve the Balke-Brown trailer sign and real estate banner sign.

(2) Staff also recommends the Council vote by MOTION to overturn the ZHO's decision which denied the banner sign for the Balke Brown Office Building, thereby authorizing it as shown on the attached drawing for an initial period of up to six months, which may be extended for another six months upon written request by the applicant.