

BOARD OF ZONING APPEALS STAFF REPORT
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TYPE OF APPLICATION: Major Variance **FILE #**13-218991
APPLICANT: Richard Lang for Saint Paul College
HEARING DATE: September 4, 2013
LOCATION: 235 MARSHALL AVENUE
LEGAL DESCRIPTION: Niningers Addition Tost Paul Part Of Blk 83 Dayton And Irvines Add Bet Louis St And Cathedral Place And All Of Chambers Rearrangement Of Blk 11 Rondos Add And Part Of Sd Blk 11 Rondos Add Bet Sd Dayton And Irvines Add And Sd Chambers Rear And Part Of Blk
PLANNING DISTRICT: 8
PRESENT ZONING: RM2 **ZONING CODE REFERENCE:** 64.501(a)(3) & 64.501(a)(4)
REPORT DATE: August 23, 2013 **BY:** Yaya Diatta
DEADLINE FOR ACTION: October 3, 2013 **DATE RECEIVED:** August 5, 2013

A. **PURPOSE:** Several variances of the sign code requirements in order to install new signage for the Saint Paul College.

- 1) The sign code allows one identification sign not exceeding 30 square feet per street frontage.

NORTH FRONTAGE

There is an existing 120 square foot wall sign on the northeast corner of the college building. The applicant is proposing to install 4 new wall signs totaling 214 square feet on the north side of the new parking ramp facing the same frontage as the existing wall sign, resulting in a variance request of 4 signs and a variance request of 214 additional square feet of signage.

EAST FRONTAGE

There is an existing 44 square foot free standing sign on the east side of the school building. The applicant is proposing an additional 3.76 square foot wall sign, resulting in a variance request of 1 additional sign and a variance request of 3.76 additional square feet of signage.

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SOUTH FRONTAGE

There is an existing 36 square foot free standing sign on the south side of the school building. The applicant is proposing one additional 53 square foot wall sign, resulting in a variance request of one additional sign and a variance request of 53 additional square feet of signage.

- 2) The sign code allows one bulletin board not exceeding 30 square feet on the property. A sign with dynamic display is a type of bulletin board. A sign with dynamic display must be monochromatic and the display cannot change faster than once every 20 minutes. The applicant is proposing a 145 square foot bulletin board sign with dynamic display for a variance of 115 square feet; the applicant is also requesting variances of the color and message frequency requirements to allow a full color display with changeable copy every 30 seconds.

- B. SITE AND AREA CONDITIONS:** This is a large irregularly shaped parcel with frontage on Concordia and Marshall Avenues and West Kellogg and John Ireland Boulevards.

Surrounding Land Use: I-94 Freeway to the north and mixed residential uses on the other sides.

C. CODE CITATIONS:

Sec. 64.121. S. Definition

Sign. The use of words, numerals, figures, devices, designs or trademarks the purpose of which is to show or advertise a person, firm, profession, business, product or message.

Sec. 64.405. - Signs with dynamic display.

The following provisions shall apply to exterior signs with dynamic display visible from a public right-of-way, and to interior window signs with dynamic display that are within three (3) feet of a window and are oriented toward and visible from a public right-of-way.

- (c) Illumination and brightness. No sign with dynamic display may exceed a maximum illumination of 0.3 foot candles above ambient light level as measured from fifty (50) feet from the sign's face. All signs with dynamic display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement. No sign with dynamic display may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, signal or the safety of the public,

or located where it would do so as determined by the city traffic engineer. If there is a violation of the brightness standards, the adjustment must be made within one (1) business day upon notice of non-compliance from the city.

Sec. 64.502. - RL—RM3 residential and entirely residential uses in T1—T4 traditional neighborhood districts.

(a) Identification signs:

- (3) For structures other than residential uses, one identification sign for each street frontage not exceeding a total of thirty (30) square feet in area.
- (4) For parks, community centers, and religious, civic, educational or philanthropic institutions, one (1) identification sign, not exceeding a total of thirty (30) square feet in area for each street frontage, and one (1) bulletin board not exceeding a total of thirty (30) square feet in area. Such bulletin board signs may be signs with dynamic display, which shall be monochromatic, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 10:00 p.m. and 7:00 a.m.

Sec. 64.207. - Variances. [for signs]

Applications for variance from the strict enforcement of the provisions of this chapter shall be filed and reviewed according to the provisions in chapter 61, administration and enforcement. In addition to the requirements for variances in section 61.601, the applicant shall demonstrate that such variance is needed due to unusual conditions pertaining to sign needs for a specific building or lot, and that the sign would not create a hazard, would not be objectionable to adjacent property owners, would not adversely affect residential property through excessive glare and lighting, and would be in keeping with the general character of the surrounding area.

D. FINDINGS:

1. *The variance is in harmony with the general purposes and intent of the zoning code.*

Saint Paul College is located on a 30-acre parcel and has a yearly school enrollment of 12,100 students. A new 4 level, 610 space parking ramp was recently constructed on the west side of the existing buildings. The proposed signs are identified on the Plot Plan & Sign Locations attachment submitted by the applicant as follows:

Area 1 - a wall sign on the east side of the new parking lot.

Area 2 - identification signs for the east and north entrances to the building and the west parking ramp entrance.

Area 3 – a sign with dynamic display facing Kellogg Boulevard.

According to the applicant, the proposed wall signs would provide needed identification for building entrances in order to better orient students and visitors. The sign with digital display would provide timely information to students as well as the general public about various school events and services offered by this institution. The proposed signs are professionally designed to match existing signs on the school grounds and are in keeping with the scale of this large site. The request is in keeping with the purpose and intent of the sign ordinance to protect the right of information transmittal. This finding is met for the amount of signage requested.

A zoning study was conducted on signs with dynamic display in 2009 and research indicated that color and the frequency of message display are aspects of driver distraction. The code has since been amended to regulate signs with digital display based their respective zoning districts and their proximity to residential uses. In residential districts, dynamic display text with only one color with display messages changing every 20 minutes is allowed. Saint Paul College is located in a residential zoning district and allowing the proposed sign with dynamic display to be full color and to change the message every 30 seconds as requested by the applicant could create a safety hazard; it is not in keeping with the general purpose and intent of the code in promoting and protecting the public health and safety. This finding is not met for the full color and message duration for the dynamic display sign request.

This request does conform to the provisions of Section 64.207, the findings necessary for sign variances, as follows:

a. The variance is due to unusual conditions pertaining to sign needs for a specific building or lot.

The proposed amount of wall signage and the larger sign with dynamic display is proportional to the scale of this large parcel of land. This finding is met for the amount of signage requested.

However, there are no unusual conditions to allow a full color sign with dynamic display that would change its display message every 30 seconds. This condition is not met for this request.

b. The sign would not create a hazard.

The proposed wall signs and the larger sign with dynamic display are designed for greater visibility. Their size would not create a hazard. This condition is met for

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the amount of signage requested.

However, the request to allow the proposed sign with digital display to be full color and change messages every 30 seconds could be a hazard to drivers. This condition is not met for this request.

c. The sign would not be objectionable to adjacent property owners.

The signs do not contain anything inappropriate and no objections to this request have been raised from adjacent property owners. This condition is met for all variance requests.

d. The sign would not adversely affect residential property through excessive glare and lighting.

Although illuminated, the signs would not violate lighting requirement allowed under the code. This condition is met for all variance requests.

e. The sign is in keeping with the general character of the surrounding area.

The college is in near proximity to downtown and the proposed signs would fit the general character of the area. This condition is met for the amount of signage requested.

There are no identification signs in the immediate area operating in a similar as requested for the proposed sign with digital display. The request to have a full color digital display sign changing messages every 30 seconds is not in keeping with the character of the area. This condition is not met for this request.

2. The variance is consistent with the comprehensive plan.

The proposed signage is consistent with the size of this large parcel of land. The signs are professionally designed to match existing signage on the property in order to maintain consistency throughout the site. It is in keeping with the Comprehensive Plan in preventing sign clutter. This finding is met for the amount of signage requested.

The request to allow the proposed sign with dynamic display to be full color and change its display message every 30 seconds as requested by the applicant could create a safety hazard; it is not consistent with the Comprehensive Plan to promote and protect the public health and safety. This finding is not met for this request.

3. The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.

This site has undergone changes with the addition of a new parking ramp and additional signage is needed. Because there is signage already existing on the subject lot frontages, it is not practical to have sufficient signage on this 30-acre property without a variance. According to the applicant, the proposed signs are scaled to allow reading from a distance without too much difficulty. This is a practical difficulty in complying with the current size requirement and number of signs allowed per street frontage without a variance. This finding is met for the amount of signage requested.

However, there are no practical difficulties in complying with the requirement that the sign be only one color and change its display once every 20 minutes. This finding is not met for this request.

4. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

According to the applicant, the large size of this parcel and today's demand for mass communication create a unique situation that requires larger signs for clear visibility from the surrounding streets. The size of the parcel at 30 acres dictates the need for the requested amount of signage. This is circumstance unique to the property not created by the landowner. This finding is met for the amount of signage requested.

The request to allow a full color dynamic display sign changing messages every 30 seconds is not compelled by circumstances unique to this property. This finding is not met for this request.

5. *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*

Signs are allowed in all zoning districts. The requested variances, if granted will not change the zoning classification of the property. This finding is met for all variance requests.

6. *The variance will not alter the essential character of the surrounding area.*

This college is in near proximity to downtown and the proposed amount of signage would fit the general character of the area. This finding is met for the amount of signage requested.

Although there are business signs with digital display nearby, there are no identification signs in the immediate area operating in a similar way as requested for the proposed sign with digital display. The request to have a full color digital display sign changing messages every 30 seconds is not in keeping with the character of the area. This finding is not met for this request.

- E. **DISTRICT COUNCIL RECOMMENDATION:** Staff has not received a recommendation from District the Summit-University Planning Council District 8.
- F. **CORRESPONDENCE:** Staff has not received additional correspondence.
- G. **STAFF RECOMMENDATION:** Based on findings 1 through 6, staff recommends approval of the variance for amount of signage requested. Staff further recommends that the request to allow a full color sign with digital display that would change its message every 30 seconds be denied based on findings 1 through 4, and 6.

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