



## AGENDA ITEM SUMMARY

### District Impacted

- ☐ 1 = Wolosin
- ☐ 2 = Woolard
- ☐ 3 = Vacant
- ☐ 4 = Vacant
- ☒ 5 = Handren
- ☐ All

<b>AGENDA DATE</b>	<i>April 23, 2019</i>
<b>DESCRIPTION</b>	RECEIVE AND CONSIDER A REQUEST FROM WAYPOINT RESIDENTIAL SERVICES, LLC FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 12. PROHIBITED SIGN LOCATIONS. C. OFF-SITE SIGNAGE. ( <i>Commons at Menger Creek, Unit 5, Lot 12B, Block A</i> )
<b>STAFF'S RECOMMENDED ACTION (be specific)</b>	Deny the variance request from Waypoint Residential Services, LLC.
<b>CONTACT PERSON</b>	Laura Talley, Director Planning and Community Development
<b>SUMMARY</b>	<p>Waypoint Residential Services LLC is requesting a variance to allow The Commons at Menger Creek Apartments to locate a monument (Residential Development) sign off-site from the apartment complex. The sign is 40.5 square feet (sf) in area, 8 feet in height and 9 feet 8 inches long.</p> <p><b><i>Residential Development Sign:</i></b> <i>A sign at the entrance to a residential development, such as a series of townhouses, <b>an apartment complex</b> or a residential subdivision, which identifies the name and/or the address of the residential development.</i></p> <p>A Residential Development sign for an apartment complex may not exceed 50 sf and the restrictive covenants must provide adequate assurance that the landscaped area at the base of the sign will be properly maintained by the homeowner's association. The sign, as submitted, meets the criteria of the ordinance for size, height and lighting, but does not meet the criteria for location as it is located on an island (lot) that is not on the lot where the apartments will be built.</p> <p><b><i>SECTION 12. PROHIBITED SIGN LOCATIONS</i></b></p> <p><b><i>12 C. No sign shall be placed or kept in use to advertise an activity, business or service no longer conducted on the premises upon which the sign is located.</i></b></p> <p>The island (lot) currently does not exist, as the Unit 5 plat, which consists of the lot for the apartments, the street that leads to the apartments and the island (lot) has not been recorded, thus the island does not legally exist. The Unit 5 plat will need to be</p>

	<p>approved and recorded before the sign may be placed on the lot.</p> <p>As stated by the developer, the apartments need for signage along Herff Road is due to their location in the development. The entrance for the apartments is located 200 feet at the end of a cul-de-sac off of Herff Road and will not be easily seen from Herff Road. They have asked to allow a sign to be located on an island (lot) that is at the intersection of Herff Road and the street that leads to the apartments. The developer has stated that even though this street will serve as the entrance to other commercial properties, this will be the only sign on this island and it will only identify the apartments. It will essentially serve as entrance signage for the apartments. Waypoint Apartments has agreed to maintain the sign and the landscaping on the island.</p> <p>The Sign Variance Review Committee recommended denial of the sign at this location. The Committee's recommendation was based on the following:</p> <ul style="list-style-type: none"> <li>• The request for the location is self-imposed; there is no unique circumstance present that the sign cannot be permitted on the applicant's property; <i>(the Sign Ordinance does not require a unique circumstance to exist for a variance to be granted)</i> and</li> <li>• The sign variance, if granted, would be in the public right of way that is currently not platted. <i>(Approval and recording of the Unit 5 plat will resolve this issue.)</i></li> </ul> <p>The City Council may approve, approve with conditions/requirements or deny a sign variance request as necessary, in the Council's judgment, to protect the overall character of the community and to achieve the fundamental purposes of the ordinance. If, in the Council's judgement, the fundamental purposes of the ordinance are achieved, the variance should be approved.</p>
<b>COST</b>	NA
<b>SOURCE OF FUNDS</b>	NA
<b>ADDITIONAL INFORMATION</b>	None.

This summary is not meant to be all inclusive. Supporting documentation is attached.