



Legislation Details (With Text)

File #:	16-462	Version:	1
Type:	New Business	Status:	Approved
File created:	9/26/2017	In control:	City Council
On agenda:	11/7/2017	Final action:	11/7/2017
Title:	Consider a resolution approving a Special Exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.09 - Attached Wall Signs, for Morris Auto Service, located on approximately 1-acre of land on the west side of North Main Street, approximately 300 feet north of Keller Hicks Road, being Tracts 1E out of the Samuel Needham Survey, Abstract No. 1171, at 421 North Main Street, zoned OTK (Old Town Keller). Donald Morris, Morris Auto Service, owner/applicant. (UDC-17-0018)		
Attachments:	1. Res. No. 3952, 2. 110717_MorrisSign_PZMinutes10092017, 3. 110717_MorrisSign_Exhibit A, 4. 110717_MorrisSign_StaffAttachment_GoogleStreetView Images (1), 5. 110717_MorrisSign_StaffAttachment_SitePhotos, 6. 110717_MorrisSign_Maps, 7. Presentation		

Date	Ver.	Action By	Action	Result
11/7/2017	1	City Council		

To: Mark Hafner, City Manager

From: Michele Berry, Senior Planner

Subject:

Consider a resolution approving a Special Exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.09 - Attached Wall Signs, for Morris Auto Service, located on approximately 1-acre of land on the west side of North Main Street, approximately 300 feet north of Keller Hicks Road, being Tracts 1E out of the Samuel Needham Survey, Abstract No. 1171, at 421 North Main Street, zoned OTK (Old Town Keller). Donald Morris, Morris Auto Service, owner/applicant. (UDC-17-0018)

Action Requested:

Consider a recommendation of a Special Exception to UDC Section 8.09 - Attached Wall Signs, for one (1) signs for Morris Auto Services that projects above the roof.

Background:

On May 17, 2017, staff received an anonymous complaint about a sign on the back of Morris Auto Services.

During discussions with staff regarding the code violation, the applicant stated the sign has been in place since 2003. It is unclear if a sign permit was obtained at that time; the city has no record of a permit for this sign. The applicant said the sign was removed for a brief time to make roofing repairs. The sign was then updated and re-installed.

Staff looked at all available historical google street views to gauge the history of the sign. The images are included in the staff attachment and summary is below:

- October 2007 - Sign **is** present.
- June 2013 - Sign **is not** present.
- August 2013 - Sign **is not** present.
- April 2014- Sign **is not** present.
- November 2014 - Sign **is not** present.
- April 2015- Sign **is not** present.
- December 2016- View is blocked by passing train.

Sign Location:

The sign is located on the roof of the building and faces Katy Road. It is not visible from North Main Street.

Section 8.09 of the UDC allows for one (1) sign per building elevations or lease space elevations visible from a public street or with a public entrance. This property does not have frontage on Katy Road but the rear of the building is visible from Katy Road. When the property along Katy Road develops, the sign may no longer be visible.

Section 8.09 of the UDC also requires attached signs “...*must be mounted parallel to walls and may not project above the roof or project more than eighteen inches (18”) from the wall...*” The sign extends several feet above the building roofline, and is more than 18” from the short section of wall behind it. The sign is not mounted to the wall but stands on the lower portion of the roof. Please see pictures included in the Staff Attachment.

Special Exception Request

1. A special exception is requested to allow the sign to be taller than the roof.
2. A special exception is requested to allow the sign to be more than eighteen inches (18”) from the wall.

Sign Size & Height:

The sign measures eight feet by twelve feet (8’x12’), or ninety-six (96) square feet.

Section 8.09 (D.7) Table 2 of the Unified Development Code (UDC) addresses Attach Wall Sign standards. Katy Road is a local street per our Master Thoroughfare Plan. The maximum sign size for a local street with a setback greater than one-hundred feet (100’) is sixty (60) square feet.

Special Exception Request

3. A special exception is requested to allow the sign to be a maximum of ninety-six (96) square-feet.

The size is eight feet (8’) tall. There are no limits on sign height other than they may not go above the roof.

Existing Roadway Access:

North Main Street, a five lane thoroughfare.

Surrounding Zoning & Land Uses:

North: Keller Trophy and Green Valley Compressor, zoned OTK (Old Town Keller)

South: Various retail uses zoned OTK (Old Town Keller)

East: Keller Masonic Lodge, car wash, zoned OTK (Old Town Keller)

West: Undeveloped land zoned KR (Katy Road)

Special Exception Requested:

The applicant is requesting three (3) exceptions to the UDC signage requirements with this application:

1. A special exception is requested to allow the sign to be taller than the roof.
2. A special exception is requested to allow the sign to be more than eighteen inches (18") from the wall.
3. A special exception is requested to allow the sign to be a maximum of ninety-six (96) square-feet.

Summary:

The applicant is requesting three (3) exceptions to be considered. If the request were to be approved by the City Council, then the applicant would be allowed to apply for a sign permit.

Section 8.09 (B.4.a) of the UDC, lists criteria for approval of a special exception. Staff's comments are added in bold italics.

1. Whether the requested exception will not adversely affect public safety,

The requested exception should have no impact on public safety.

2. Whether the requested exception will not adversely affect surrounding properties,

Surrounding properties to the north and south have similar circumstances where the rear of the building is currently visible from Katy Road. The properties along Katy Road are undeveloped. These properties may be impacted by the aesthetics of the sign.

3. Whether the requested exception will be in harmony with the spirit and purpose of this sign code,

Sign ordinances are designed to allow businesses and others to communicate a message while reducing clutter that may contribute to reduced property values. The proposed sign does not meet the design standards of the code or the intent of these standards.

4. Whether special conditions exist which are unique to the applicant or property,

Having a rear elevation visible from a public street is not unique. Staff could permit a sign attached to the wall that met UDC standards for sign size and location.

5. Whether the requested exception demonstrates increased quality and standards, and

The design of the sign does not demonstrate increased quality and standards from the code minimum requirements.

6. Whether the requested exception will be aesthetically appropriate in the area.

The sign is located in Old Town Keller and visible from Katy Road. Katy Road is industrial in nature. However, there are no similar signs permitted like this in Keller city limits. The existing transmission shop to the south does have a roof-mounted sign facing Main Street. Staff is currently trying to determine if that sign is legally non-conforming.

Citizen Input:

A UDC variance application does not require a public hearing, so no public hearing notifications were sent out to the surrounding property owners for this request. There has been no response from the public to this application. The public will have an opportunity to speak on this agenda item at the "Persons To Be Heard".

Professional Opinion:

Based on the criteria above, staff does **NOT** support this Special Exception.

Board Review

At their October 9, 2017 regular meeting the Planning and Zoning voted 5-2 to recommend approval of this Special Exception to the Sign Code.

Alternatives:

The City Council has the following options when considering a UDC variance request:

- Approve as submitted
- Approve with modified or additional condition(s)
- Tabling the agenda item to a specific date with clarification of intent and purpose
- Deny