



## Legislation Text

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**File #:** 19-261, **Version:** 1

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**To:** Mark R. Hafner, City Manager

**From:** Katasha Smithers, Planner I

**Subject:**

**Consider a resolution approving variances to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.09 - Sign Regulations, specifically for seven additional attached wall signs for Braum's Restaurant located on the south, east and west elevations, situated on approximately 1.458-acres of land on the north side of Keller Parkway, approximately 1000-feet northeast of Town Center Lane and Keller Parkway intersection, being Lot 1, Block A, Braum's Addition, at 1221 Keller Parkway, and zoned Town Center (TC). Lora Martinson, Springfield Sign, applicant; Greenway - Keller LP, owner. (UDC-19-0007)**

**Background:**

In 2016, the City of Keller conducted meetings with the public regarding the sign regulations. As a result of these meetings, the Planning and Zoning Commissioners and City Council members approved less restrictive regulations pertaining to sign locations and sign sizes. This allowed businesses to potentially have a sign on each elevation that is visible from a public street or with a public entrance.

**Braum's Variance Request:**

Braum's is proposing seven variances to the sign regulations.

The Braum's site (south elevation) fronts Keller Parkway, and may utilize up to 200 square-feet for signage. The West and East elevations are permitted to utilize up to 40 square-feet each.

Staff already approved other signs for Braum's as follows:

1. A "B" logo sign to be 28.71 SF on the east elevation.
2. A "B" logo and "Braum's" LED Illuminated signs totaling 50.84 SF on the south elevation (Keller Parkway).
3. A "Braum's/Hamburgers" LED Illuminated sign to be 37.07 SF on the west elevation.
4. A 37.71 SF monument sign.
5. Two, 39 SF Menu Board signs for each drive-thru.

**Sign Locations:**

*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.*

*Please see 'Staff Attachment A' for a table that breaks down the sign variances for the 3 building elevations.*

**Staff Analysis:**

The requested signs will not be in harmony with the spirit and purpose of the sign code that was previously updated and approved in June 2016. The purpose of these changes were to be less restrictive

to allow larger signs and for businesses to possibly have signs on multiple elevations if 'visible from a public street or with a public entrance.' However, the applicant is seeking a total of 7 additional signs exceeding the allowable square footage by 276.18 SF.

**Planning and Zoning Recommendation:**

On May 13, 2019, the Planning and Zoning Commission voted to deny the 7 sign variances for Braum's Restaurant by a vote of 6-1.

**Summary:**

The applicant is requesting seven variances to be considered.

**Specific Variance Requests:**

1. To allow one (1) additional sign to be 28.71 square feet located on the south side elevation, facing Keller Parkway shall be allowed.
2. To allow one (1) additional sign to be 27.5 square feet located on the east side elevation shall be allowed.
3. To allow one (1) additional sign to be 55.8 square feet located on the east side elevation shall be allowed.
4. To allow one (1) additional sign to be 93.8 square feet located on the east side elevation shall be allowed.
5. To allow one (1) additional sign to be 9.90 square feet located on the west side elevation shall be allowed.
6. To allow one (1) additional sign to be 93.8 square feet located on the west side elevation shall be allowed.
7. To allow one (1) additional sign to be 9.90 square feet located on the west side elevation shall be allowed.

Section 8.09 (B.4.a) of the UDC, lists criteria for approval of a special exception.

1. Whether the requested exception will not adversely affect public safety,
2. Whether the requested exception will not adversely affect surrounding properties,
3. Whether the requested exception will be in harmony with the spirit and purpose of this sign code,
4. Whether special conditions exist which are unique to the applicant or property,
5. Whether the requested exception demonstrates increased quality and standards, and
6. Whether the requested exception will be aesthetically appropriate in the area.

**Alternatives:**

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

- Approve as submitted with special exceptions.

- Approve with additional condition(s) or modifications.
- Table the agenda item to a specific date with clarification of intent and purpose.
- Deny.