

# Memo

**Meeting Date:** April 28, 2014

**To:** Planning Commission members

**From:** Kevin Boyd, Planner

**Subject:** SV14-01: Sam Lawson, a request for approval of a variance from Sign Ordinance Section 12.604.bB.ii. to specifically allow for two primary street frontages as it relates to signs on a single lot, on the following property:

**Location:** 109 North Koenighiem Street, located approximately 190 feet south of the intersection of North Koenighiem Street and West 3rd Street; more specifically occupying the Central Plaza Addition, Section 2, Block 3, in central San Angelo.

**Purpose:** Approval will establish two primary frontages as it relates to signage, placement of freestanding sign(s) can front either one or both streets adjoining the lot.

**Contacts:** Sam Lawson, Owner 432-685-1402  
Kevin Boyd, Planner 325-657-4210

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**Summary:** The Planning Commission may:

- (1) **Approve** the request for a variance as submitted; or
- (2) **Approve** the request for a variance **with conditions** deemed necessary; or
- (3) **Deny** the request for a variance.

**Recommendation:** Planning staff recommends **approving, with conditions** the requested variance from Sign Ordinance Section 12.604.bB.ii.

## History and Background:

The proponent is seeks to construct two freestanding signs on the property, a 30 foot sign positioned along North Abe Street and 50 foot sign along North Koenigheim Street. The subject property is south of the intersection of W 3rd Street and N Koenigheim Street, a couple blocks west of the downtown area. It is located outside of the River Corridor but within 150' of the corridor. For all intents and purposes, all signage within 150' must comply with the sign regulations of the River Corridor area (Section 12.610, Sign Ordinance). The applicant is seeking to construct a Popeyes restaurant on the recently abandoned Grandy's site – the nature of this request involves the board's approval of several internally illuminated signs, which include a 30 foot freestanding sign and attached wall signs, similar to what is shown in the proposed rendering below. **The nature of this request remains preliminary at this time, the dimensions of the attached wall signs are subject change** – proposed conditions and the general regulatory process will ensure that the proposed attached wall signage complies with said ordinances and is compatible with the surrounding area.

In considering this request it is also important to note that slightly less than half of the west side of the property lies within the 150' regulated sign area of the corridor. Since the property is situated outside the River Corridor area the building's construction and usage of materials and colors are not subject to this request. One of the conditions outlined by city staff is that the proposed new construction faces N Koenighiem Street, rather than N Abe Street to ensure that the building fits and is consistent with development patterns in the area.

The applicant may have plans to remove and / or relocate the two freestanding signs on the property, as such, the existing signs will likely lose its non-conforming status.

### **General Information**

Existing Zoning: General Commercial / Heavy Commercial (CG/CH)

Existing Land Use: Old Grandy's site

Surrounding Zoning/Land Use:

North:	General Commercial / Heavy Commercial (CG/CH)	Motel 6, Starbucks, Subway, The Cash and State Farm insurance
West:	General Commercial / Heavy Commercial (CG/CH)	All American Chevrolet car dealership
South:	General Commercial / Heavy Commercial (CG/CH)	Discount Tire, Burger King, Walgreen's, Quiznos and Northwood Apartments
East:	General Commercial / Heavy Commercial (CG/CH)	Central Fire Station

Thoroughfares/Streets: North Koenigheim Street and North Abe Street are defined as an "arterial streets," and are designed to connect collector streets to freeways and carry large volumes of traffic at high speeds. Access is secondary and mobility is the prime function of these streets.

Zoning History: The property was annexed within the city around 1949.

Applicable Regulations: Sign Ordinance 12.600  
Section 12.601.a.  
*"[that] **regulation of visual clutter can help preserve ....and promote the steady growth that is vital to the continued economic health and prosperity of [the] city.**"*

Section 12.601.e.  
*"city council finds that the **visual clutter...is detrimental to the economic and commercial welfare** of the community and detracts from the quality of life in the city."*

Section 12.601.e.  
*"the provisions of this article establish minimum standards for signs that directly relate to the **use of the property, traffic patterns and safety.**"*

Section 12.604  
*(1) Freestanding Signs. Freestanding on-site signs shall be governed by the following regulations:*

*(A) Area. The aggregate area of all freestanding signs shall not exceed an amount equal to one-and-a-half (1.50) square feet for each one (1.00) linear foot of land on the lot's frontage abutting the primary street, except that a minimum forty-eight (48) square feet of sign area is allowed regardless of lot frontage. In no case shall the sign area of any one freestanding sign exceed 250 square feet. Only one street frontage shall be considered the primary street frontage on a lot.*

*The maximum number of freestanding signs allowed on a lot shall be five (5). Only one street frontage shall be considered the primary street frontage on a lot.*

Vision Plan Map:	Downtown
Notification Required:	No

## **Analysis:**

In order to approve this request, the Planning Commission members are first required to find that:

(1) There are special circumstances or conditions applying to the land, buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions are unique to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises;

(2) Such special circumstances were not created by the applicant;

(3) The granting of the variance will be in general harmony with the purpose of this article and will not be materially detrimental to adjacent property, to the adjacent neighborhood, to the persons residing or working in the vicinity or to the public welfare in general;

(4) The variance applied for represents the minimum variance necessary in order to afford relief from the hardship;

(5) The variance applied for does not depart from the provisions of this article any more than is required to identify the applicant's business or use.

The staff recommendation is based upon the statements listed below.

Given the nature of the request in relation to the site and surrounding features – staff recommends approving, subject to conditions outlined below. The property measures 1.028 acre (44,780 square feet). While the tract is roughly 7 times larger than the minimum lot area for the zoning district, it is uniquely situated with primary access along two streets – North Koenigheim Street and North Abe Street. The configuration of the lot and lot size create special conditions where the placement of two signs, as requested, is appropriate. The proponent is seeking to construct two freestanding signs – a 30 foot sign within the 150' sign area of the River Corridor, facing North Abe Street and a 50 foot sign along North Koenigheim Street and measures slightly 800 feet from the Concho River. In terms of street access, the lot enjoys roughly 370 feet of frontage along both streets (roughly 190 feet along N. Koenigheim St. and 180 feet along N. Abe St.). The site measures around 1,000 feet south of the Houston Harte Expressway, higher signs are commonplace in the area to attract motorists traveling along the busy highway. Section 12.604 limits the construction of freestanding signs to a single primary street frontage of a lot (Sign Ordinance). Even so, currently there are two existing

freestanding signs on the site, one placed along each street frontage in which the permits division records indicate were erected back in 1983. Staff has determined that the two signs are legally non-conforming since each was legally placed before such provision was adopted in the ordinance back in January 2003. If the signs are modified, relocated or removed, its legal non-conforming status will be essentially revoked.

The special circumstances present in this case were not a result of the applicant. The shape of lot is largely characteristic of a trapezoid, with a major highway that runs along both sides of the site. Placement of two freestanding signs will be advantageous to promotion of the business since both points of access are one-way streets. A higher sign will help to attract motorists from Houston Harte Expressway, which along the section intersecting North Bryant Boulevard is an elevated highway. Visual obstructions also exist in the area. The property is positioned near a substantial curve in the street, beginning a block north of the site where a major fork in the road separates the street. Southbound traffic along North Abe Street runs west of the property, North Koenigheim Street, northbound traffic, runs to the east. Nearby buildings and vegetation near the street obstruct the site, heading north and south.

Absent of the provision relating to this request, the proposed signs comply with all provisions of the ordinance. The Sign Ordinance allows for a lot to have *a minimum of one* freestanding sign on *each* street frontage, per Section 12.604. Both proposed signs will be placed a minimum of 15' from the boundary adjoining lot line (see placement of proposed signs below).

This request represents the minimum variance necessary in order to afford relief from the hardship. The applicant only seeks to construct a sign along each frontage – the proposal will comply with all other provisions of the ordinance.

The request variance does not depart from the provisions of this article any more than is required to identify the applicant's business or use. Nearby signs vary greatly in height – from 50 feet to around 80 feet (see below a map showing the height of area signs). A condition proposed seeks to limit the maximum number of freestanding signs to one per street frontage to ensure increased compatibility with surrounding properties in the area.

The Sign Ordinance requires that all five of the criteria must be met in order to grant a variance, since each was met, staff recommends approval of this request.

### **Proposed Conditions**

1. A maximum of one freestanding sign for each primary frontage on the lot.
2. Placement of the proposed signs must reflect the locations indicated on the submitted plan, any changes to the location of the signs will require explicit approval from the Planning Director.

**Attachments:**

Excerpt from zoning map, showing the general location within the City of San Angelo;

Aerial / RCC photo, highlighting subject property;

Excerpt from zoning / RCC map, highlighting subject property;

Proposed renderings of signs;

Site plan, including placement of proposed signs; and

Applicant's responses from application.

**Presentation:**

Kevin Boyd, Planner

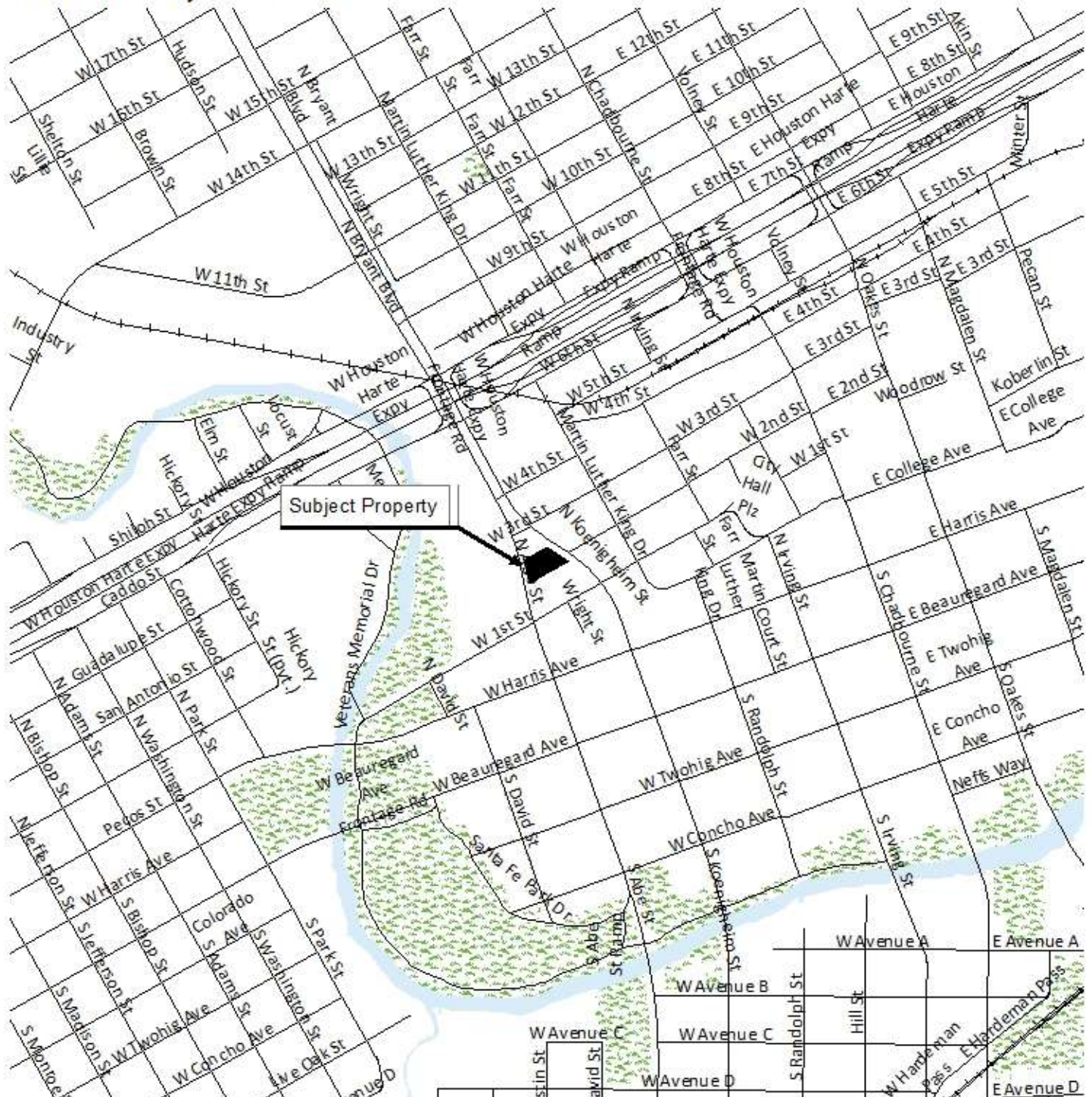
**Reviewed by:**

Jeff Fisher, Planner (4/22/14)



**SV14-01: Sam Lawson**  
**109 N Koenighiem Street**

**1 inch = 1,000 feet**



Path: Y:\Boards & Commissions\Planning Commission\SIG\N VAB\ANCES\2014\14-01\general\_map.mxd

**COMMERCIAL DISTRICTS**

- CN (NEIGHBORHOOD COMMERCIAL)
- CO (OFFICE COMMERCIAL)
- CG (GENERAL COMMERCIAL)
- CGCH (GENERAL COMMERCIAL / HEAVY COMMERCIAL)
- CH (HEAVY COMMERCIAL)
- CBD (CENTRAL BUSINESS DISTRICT)
- OW (OFFICE WAREHOUSE)
- PD (PLANNED DEVELOPMENT)

**RESIDENTIAL DISTRICTS**

- R&E (RANCH ESTATE)
- RS-1 (SINGLE-FAMILY RESIDENCE)
- RS-2 (TWO-FAMILY RESIDENCE)
- RS-3 (ZERO LOT LINE, TWINHOME AND TOWNHOUSE RESIDENCE)
- RM-1 (LOW RISE MULTI-FAMILY RESIDENCE)
- RM-2 (HIGH RISE MULTI-FAMILY RESIDENCE)
- MHP (MANUFACTURED HOUSING PARK)
- MHS (MANUFACTURED HOUSING SUBDIVISION)

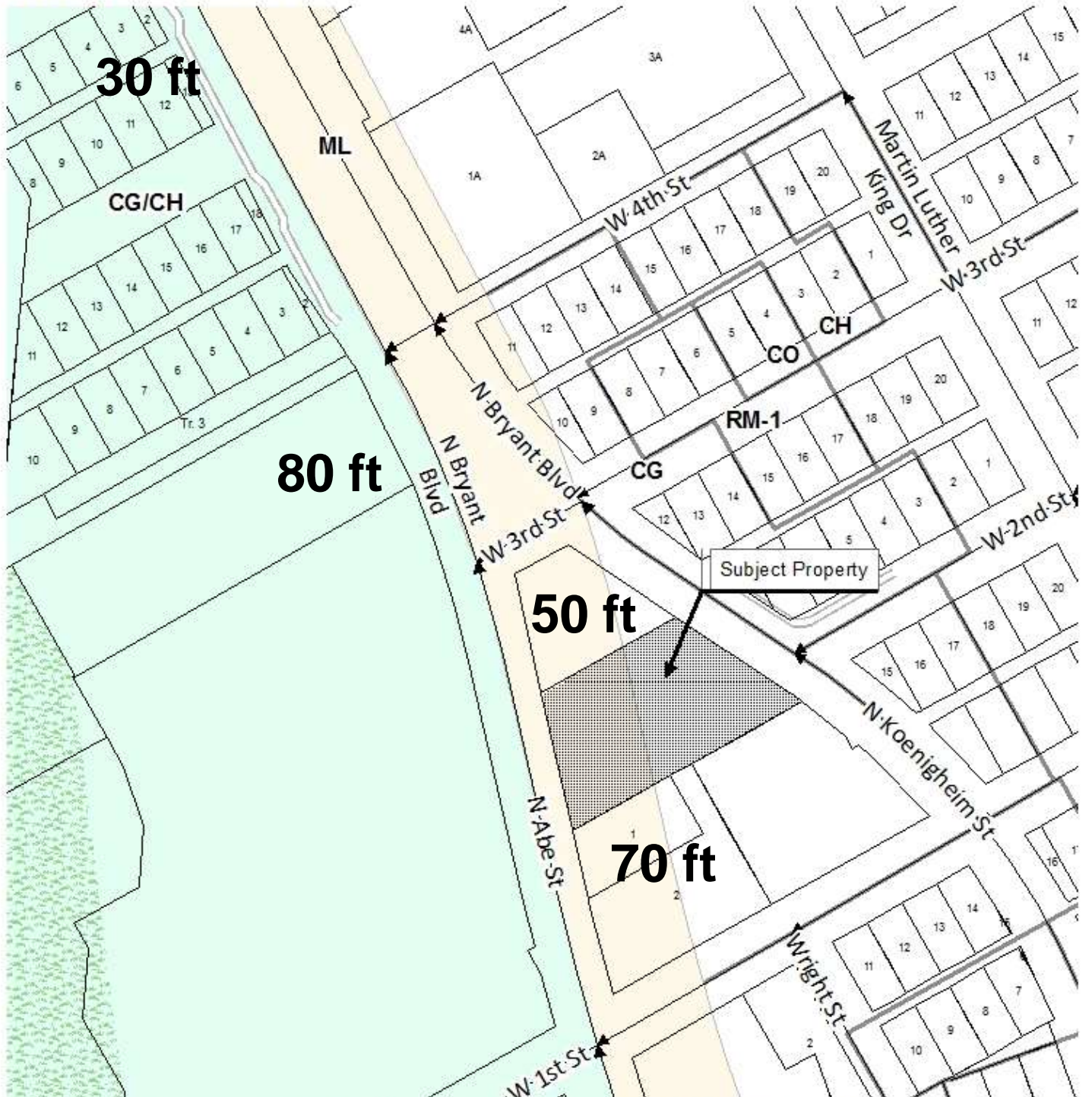
**MANUFACTURING DISTRICTS**

- ML (LIGHT MANUFACTURING)
- MH (HEAVY MANUFACTURING)
- CU (CONDITIONAL USE)
- SP (SPECIAL PERMIT)
- SU (SPECIAL USE)
- ZC (ZONE CHANGE)



**SV14-01: Sam Lawson**  
**109 N Koenigheim Street**

**1 inch = 175 feet**



Path: Y:\Boards & Commissions\Design\_Historic Review Commission\RIVER CORRIDOR\2014\RCC14-05\site\_map.mxd

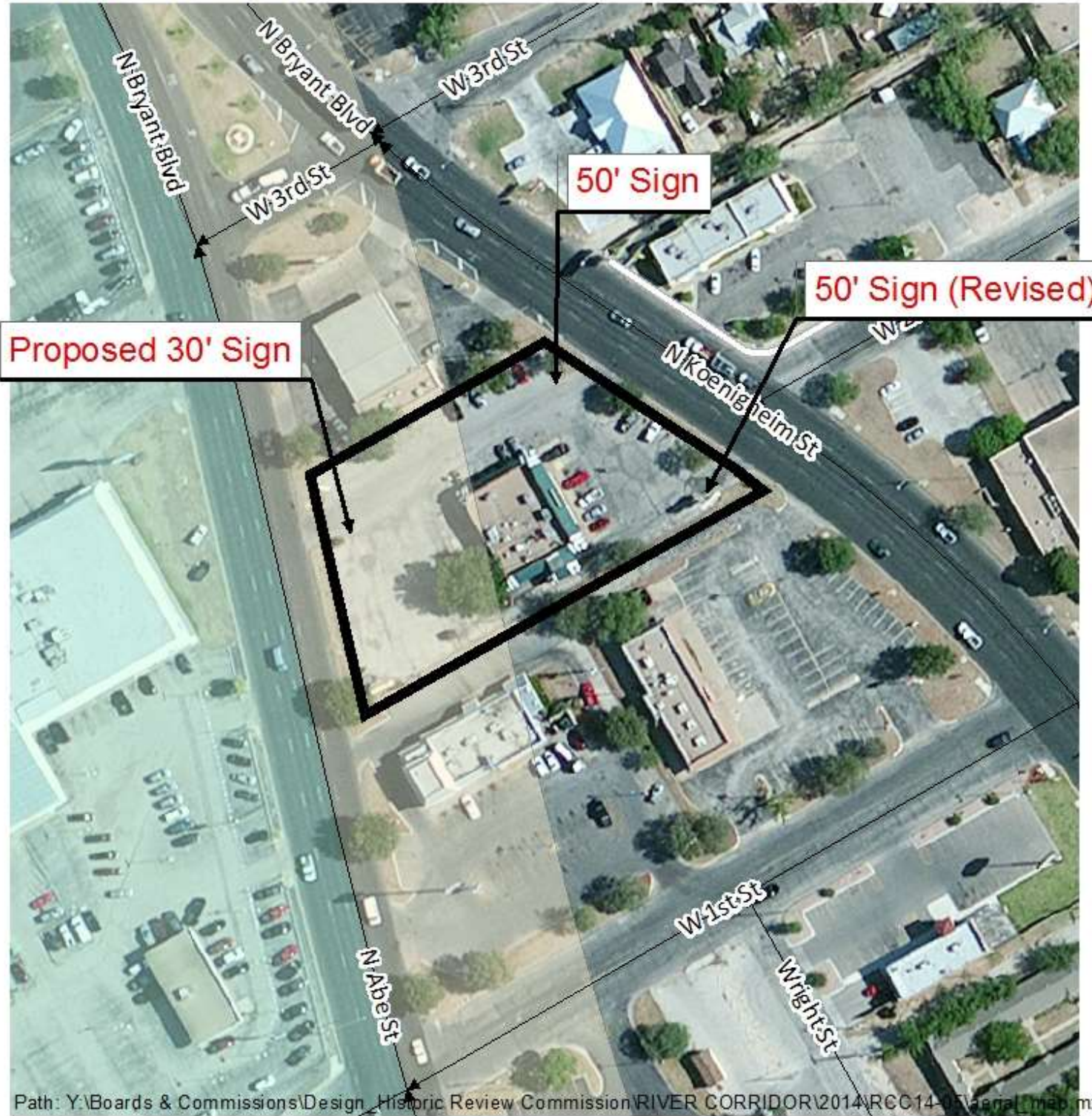
COMMERCIAL DISTRICTS	RESIDENTIAL DISTRICTS	MANUFACTURING DISTRICTS
CN (NEIGHBORHOOD COMMERCIAL)	R&E (RANCH AND ESTATE)	ML (LIGHT MANUFACTURING)
CO (OFFICE COMMERCIAL)	RS-1 (SINGLE-FAMILY RESIDENCE)	MH (HEAVY MANUFACTURING)
CG (GENERAL COMMERCIAL)	RS-2 (TWO-FAMILY RESIDENCE)	
CG/CH (GENERAL COMMERCIAL / HEAVY COMMERCIAL)	RS-3 (ZERO LOT LINE, TWINHOME AND TOWNHOUSE RESIDENCE)	
CH (HEAVY COMMERCIAL)	RM-1 (LOW RISE MULTI-FAMILY RESIDENCE)	CU (CONDITIONAL USE)
CBD (CENTRAL BUSINESS DISTRICT)	RM-2 (HIGH RISE MULTI-FAMILY RESIDENCE)	SP (SPECIAL PERMIT)
OW (OFFICE WAREHOUSE)	MHP (MANUFACTURED HOUSING PARK)	SU (SPECIAL USE)
	MHS (MANUFACTURED HOUSING SUBDIVISION)	ZC (ZONE CHANGE)
PD (PLANNED DEVELOPMENT)		





**SV14-01: Sam Lawson**  
**109 N Koenighiem Street**

**1 inch = 100 feet**



COMMERCIAL DISTRICTS	RESIDENTIAL DISTRICTS	MANUFACTURING DISTRICTS
CN (NEIGHBORHOOD COMMERCIAL)	R&E (RANCH AND ESTATE)	ML (LIGHT MANUFACTURING)
CO (OFFICE COMMERCIAL)	RS-1 (SINGLE-FAMILY RESIDENCE)	MH (HEAVY MANUFACTURING)
CG (GENERAL COMMERCIAL)	RS-2 (TWO-FAMILY RESIDENCE)	
CG/CH (GENERAL COMMERCIAL / HEAVY COMMERCIAL)	RS-3 (ZERO LOT LINE, TWINHOME AND TOWNHOUSE RESIDENCE)	
CH (HEAVY COMMERCIAL)	RM-1 (LOW RISE MULTI-FAMILY RESIDENCE)	CU (CONDITIONAL USE)
CBD (CENTRAL BUSINESS DISTRICT)	RM-2 (HIGH RISE MULTI-FAMILY RESIDENCE)	SP (SPECIAL PERMIT)
OW (OFFICE WAREHOUSE)	MHP (MANUFACTURED HOUSING PARK)	SU (SPECIAL USE)
	MHS (MANUFACTURED HOUSING SUBDIVISION)	ZC (ZONE CHANGE)
PD (PLANNED DEVELOPMENT)		



P-80 PYLON SIGN

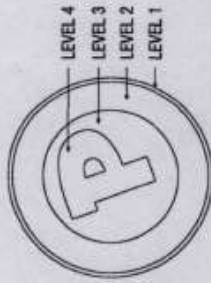
79.0 SQ. FT.

P-130 PYLON SIGN

131.0 SQ. FT.



LEVEL 3  
LEVEL 2  
LEVEL 1



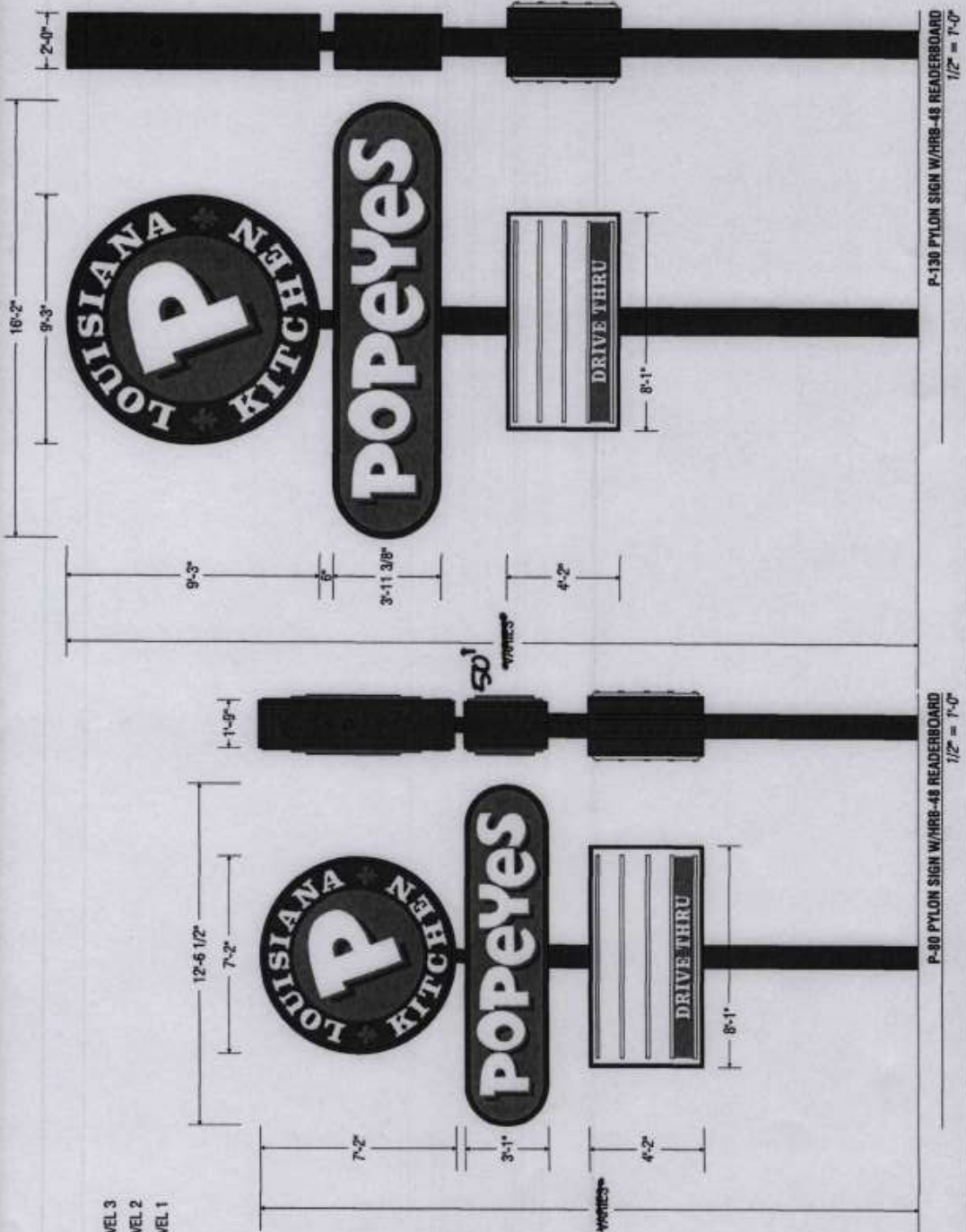
LEVEL 4  
LEVEL 3  
LEVEL 2  
LEVEL 1

EMBROIDERY LAYOUT  
N/A



COLORS

SIGN: D/F INTERNALLY ILLUMINATED CABINET  
W/PAINTESS & EMBOSSED FACES  
COPY: 3M #3630-20 WHITE VINYL APPLIED  
2ND SURFACE  
BACKGROUND: 3M #3630-44 ORANGE, #3630-53  
RED VINYL APPLIED 2ND SURFACE  
CABINET: PAINTED PMS #186 RED  
READERBOARD: 6" CHANGEABLE COPY  
ILLUMINATION: WHITE FLOUROSCEPTS



P-80 PYLON SIGN W/HRR-48 READERBOARD  
1/2" = 1'-0"

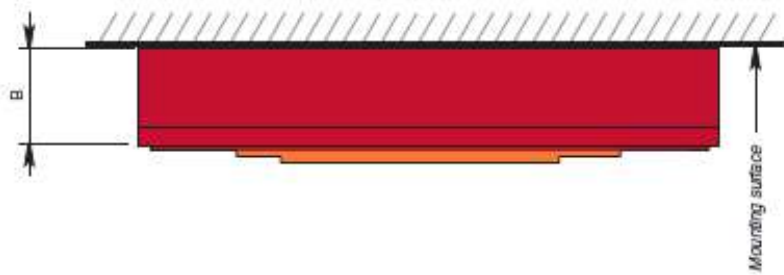
P-130 PYLON SIGN W/HRR-48 READERBOARD  
1/2" = 1'-0"

THE FOLLOWING INFORMATION IS FOR YOUR INFORMATION ONLY. IT IS NOT A CONTRACT. THE CONTRACT IS THE DRAWING. THE DRAWING IS THE FINAL AUTHORITY. ANY CHANGES TO THE DRAWING MUST BE APPROVED BY UNDERWRITERS LABORATORIES INC. BEFORE PROCEEDING WITH THE PROJECT.



CUBIC: POPEYE'S  
LOCATION: VARIOUS  
DRAWN BY: DMP

SCALE: NOTED  
DATE: 4-6-10  
DRAWING NO.: POPEYE'S STANDARDS 2010



**Side View**

Not To Scale



**Seal Elevation**

Not To Scale

**Colors**

- PMS 1665C - Arlon 044WT Orange
- PMS 187C - Arlon 253WT Cardinal Red
- White - Arlon 020 White

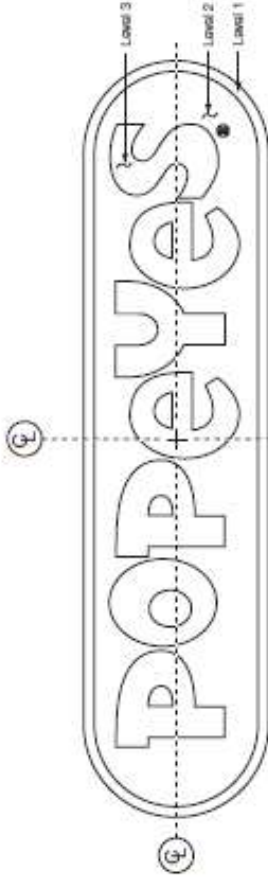
Sign Model	A	B
S-24 Illuminated Seal Sign	2'-0"	4"
S-30 Illuminated Seal Sign	2'-6"	4"
S-36 Illuminated Seal Sign	3'-0"	4"
S-42 Illuminated Seal Sign	3'-6"	4"

**Colors**

- PMS 1655C - Arlon D44WT Orange
- PMS 187C - Arlon 253WT Cardinal Red
- White - Arlon 020 White

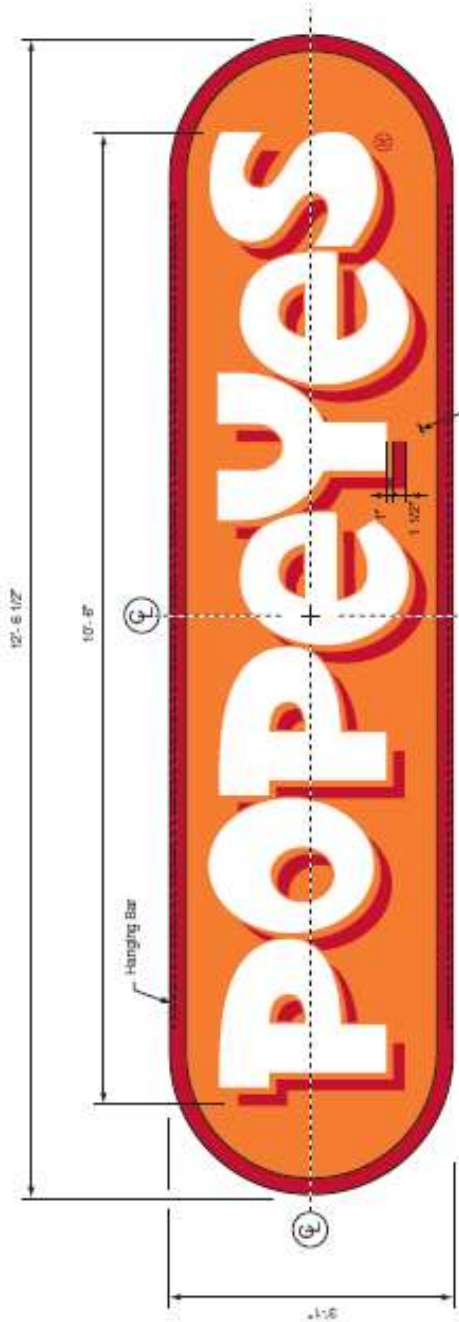
**Notes**

1. All face graphics applied to second surface.
2. Refer to specifications for approved colors.
3. Face shall have hanging bars at top and bottom of horizontal edges as required.
4. Modified edges shall incorporate a 5 degree draft angle with fillets as necessary to avoid sharp corners.
5. This drawing is for illustration only and Not for Construction.



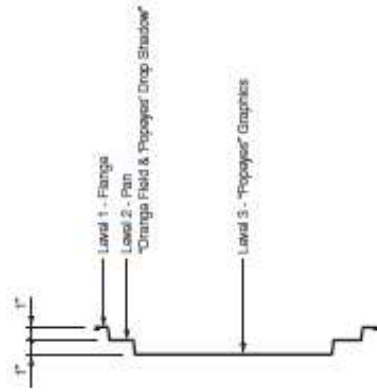
**Embossment Layout**

Not To Scale



**"B" Face Layout**

Scale: 3/4"=1'-0"  
 (Layout Shown With Cabinet Hardware)



**Section View**

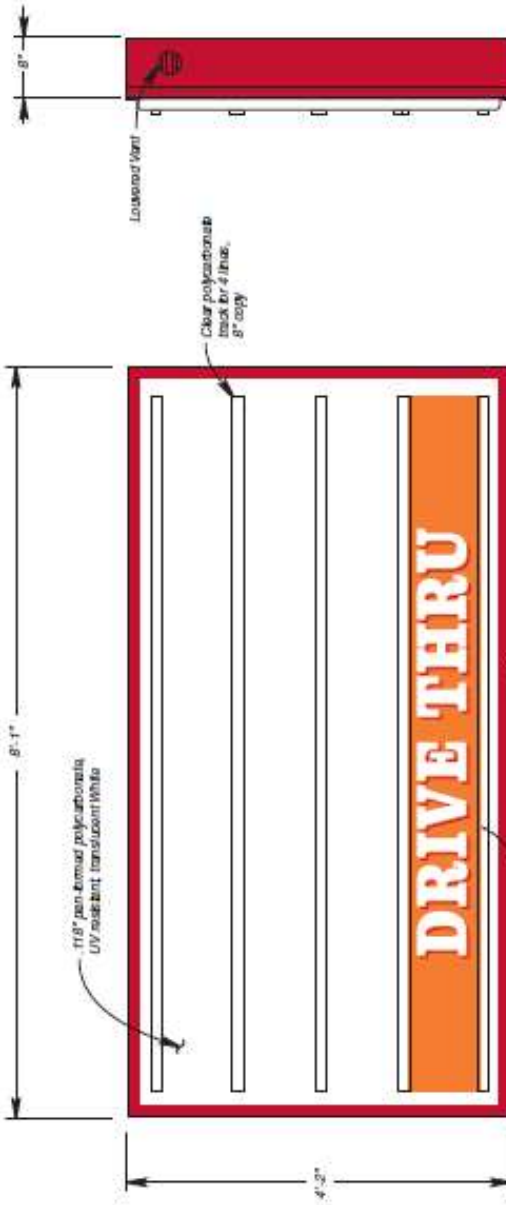
### Font Package

Each workstation sign package (2 single size signs) to include the following items:

- (2) custom "Drive Thru" insert panels
- (1 set) of commercial fonts, clear acrylic panels with Black graphics, see Font List
- Mechanical clamping arm extendable to 18 ft. with 3 1/2" rubber suction cup
- Storage cabinet for complete set of fonts

### 8" Font List (302 total characters)

Character	Quantity	Character	Quantity
A	12	V	6
B	8	W	6
C	8	X	4
D	6	Y	4
E	18	Z	4
F	8	1	6
G	8	2	6
H	8	3	6
I	14	4	6
J	8	5	6
K	8	6	6
L	10	7	6
M	8	8	6
N	10	9	6
O	12	0	6
P	10	8	4
Q	4	8	2
R	10	.	2
S	10	.	4
T	10	!	2
U	10	?	2



Side View

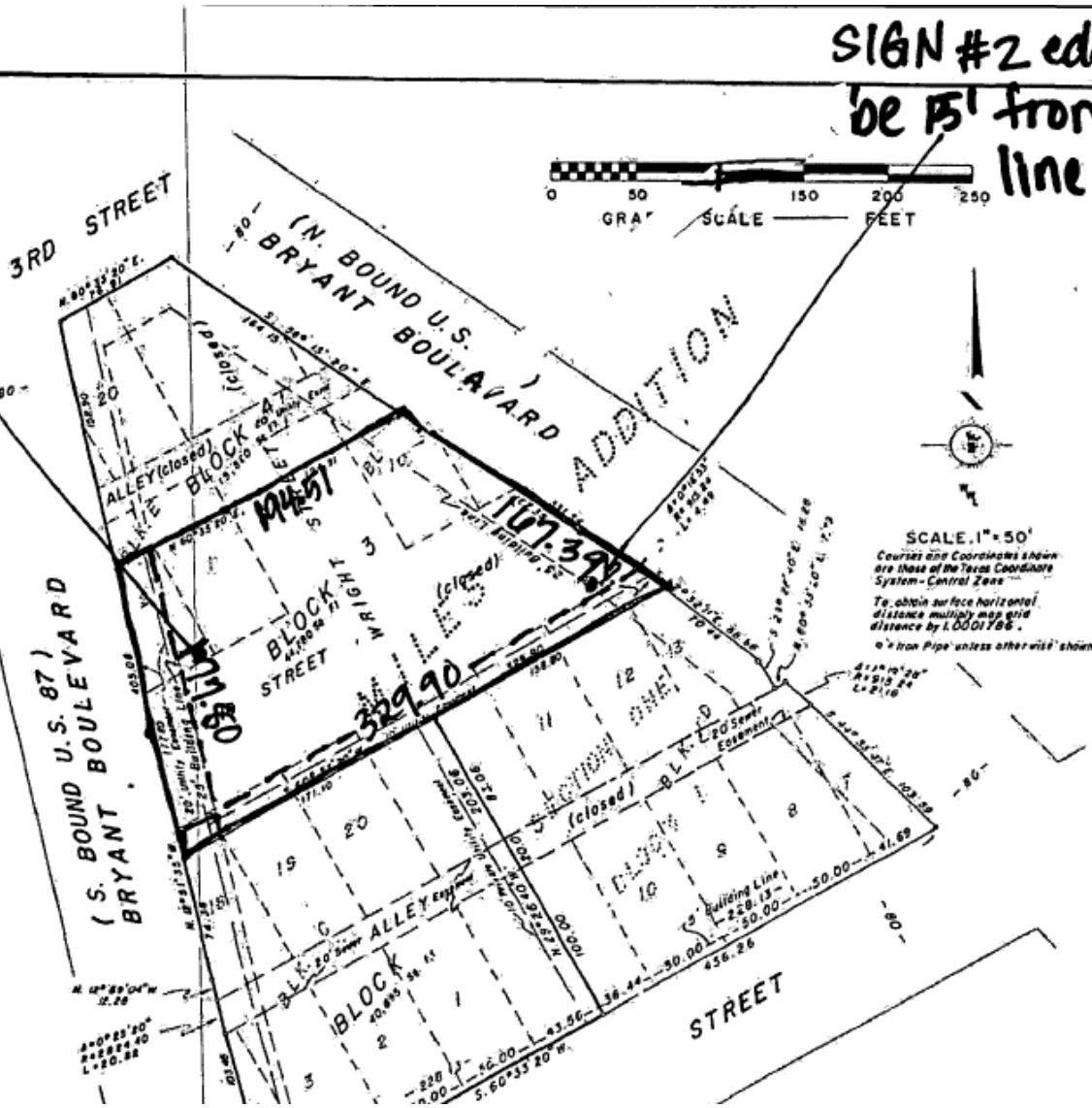
Front Elevation

Scale: 3/4" = 1'-0"

sign #1 proposed location  
sign height 30', pole will  
be 5' off utility  
line.

utility  
line.

MICHEL T. HALBOUY ADDITION  
SECTION TWO



SIGN #2 edge will  
be 15' from property  
line.

CENTRAL FIRE STATION

City of San Angelo, Texas - Planning Division  
**Application for Variance from Sign Regulations**

Name of Applicant(s): Sam LAWSON

Owner     Tenant     Representative (Affidavit required)

Mailing Address: 3000 N. Earfield #280 Telephone: (432) 685-1102

City/State/Zip: Midland, TX 79705 Fax/other: (432) 685-1002

Contact Email Address: slawson@whitsunfoods.com

Please include the following with this application:

Application for a sign permit     A fully-dimensioned site plan

Subject Property Address and/or Location\*:  
109 N. Kaenigheim


Legal Description\*:  
Block 3 SUBD. Central plaza addition section 2

Zoning: CG1 / CH

Specific Description of Request\*:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* use attachment, if necessary

I/We the undersigned acknowledge that the information provided above is true and correct, and have read the statements below.

  
\_\_\_\_\_  
Signature

3/17/2014  
\_\_\_\_\_  
Date

- I understand that the Planning Commission is bound by criteria established by state law; I further understand that my request is not guaranteed to be approved and that it constitutes an exception from regulations of the City of San Angelo.

- I/We the undersigned acknowledge that the information provided above is true and correct. I/We understand that any variation(s) authorized by the Planning Commission will require me/us to obtain a building permit for that stated variation within twelve (12) months of the approval date by the Board, unless the Board has specifically granted a longer period;
- I understand that all drawings, pictures, documents or other information used during your testimony to the Board must be kept in the permanent files of the Planning Division; and
- I understand that any petition of a decision made by the Planning Commission must be appealed to the City Council within thirty (30) days after receipt of the results notification of such action. The petition must state that the decision of the Planning Commission is illegal in whole or in part and specifying the grounds of the illegality.

I assert that my request for variance meets all of the required criteria based on my explanation(s) below:

- That special circumstances or conditions would substantially restrict the effectiveness of the sign in question;  
 Explanation: The special circumstances that restrict the effectiveness of the current sign is that the two new retail locations adjacent to both sides of the lot block the visibility.

• That such special circumstances were not created by the applicant;  
 Explanation: No special circumstances were created by me.

- That the granting of the variance will be in general harmony with the purpose of the sign ordinance and will not be materially detrimental to the adjacent property or neighborhood or to the general public;

Explanation: Due to changes on the adjacent properties, the existing second sign is not viewable. Moving the sign will allow for the new sign to be viewed and in line with adjacent property.

- That the variance applied for represents the minimum variance necessary to afford relief from the hardship;

Explanation: The minimum variance is an additional sign, so that the business can be marketed on both sides of the property at each access point, due to one way traffic on each access street.

- That the variance applied for does not depart from the provisions of the sign ordinance any more than is required.

Explanation: The only variance requested is for two signs on the property. Both signs will meet all other freestanding pole sign ordinances.

<b>OFFICE USE ONLY</b>	
Case no.: SV _____ - _____	Date of application: _____
Fully-dimensioned site plan: <input type="checkbox"/>	Nonrefundable fee: \$ _____ Date paid: _____
Date to be heard by PC: _____	
Received by: _____	Receipt Number: _____
Ordinance section(s) from which variance(s) is/are requested: _____	