



Project: Toscana Isles Directional Sign
Special Exception Petition No. 17-04SE

Staff Report

Applicant: Laurel Road Property, LLC **Parcel ID #s:** 0376120001
Agent: Alexander Hayes **Location:** NE Corner of Knights Trail and Laurel Road Intersection
Existing Zoning: Commercial, Mixed Use (CMU)
Existing Future Land Use Designation: Knights Trail Neighborhood (Planning Area K)
Special Exception Request:

Allowance for an offsite directional sign per Code Section 86-405(7).

I. INTRODUCTION AND BACKGROUND

As a result of initiation of a code enforcement case in March of 2017, the applicant is seeking a special exception for an offsite directional sign. The developer of the Toscana Isles project located approximately 2,000 feet north of the intersection of Laurel Road on Knights Trail Road installed a 32 square foot, V-shaped sign at a height not to exceed eight feet, at the northeast corner of the intersection to guide potential customers to the entrance of the project. The subject sign has remained in place since the initial complaint in March.

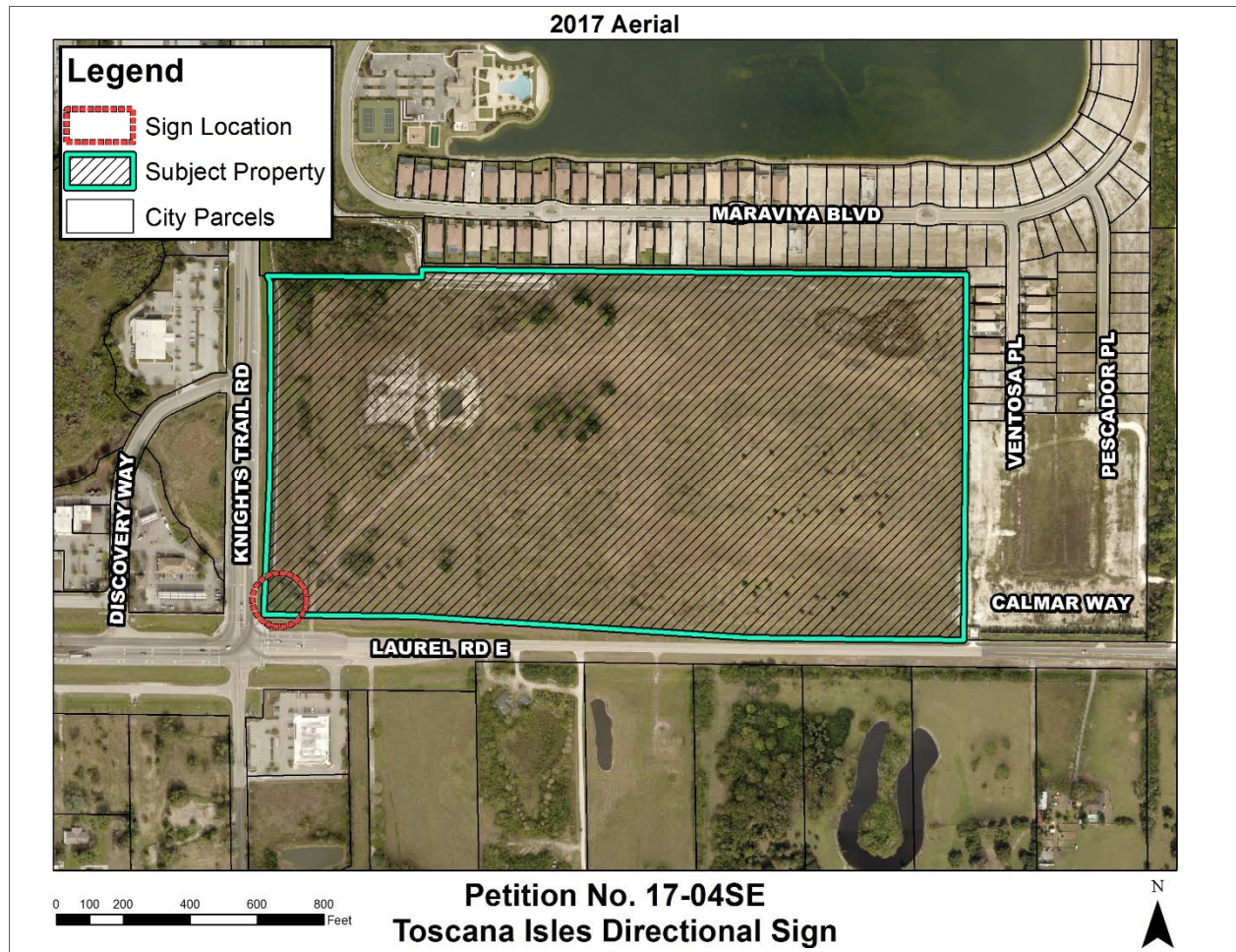
Per Code Section 86-405(7), offsite signs are prohibited except for offsite identification/directional signs approved by the planning commission through special exception. On June 28th, the applicant submitted application for consideration of a special exception for the subject sign. It is important to note that the applicant for the special exception currently has ownership interest and control of both the Toscana Isles subdivision and the property where the sign is located known as the Portofino project.

II. SUBJECT PROPERTY/SURROUNDING AREA INFORMATION

Existing Conditions:

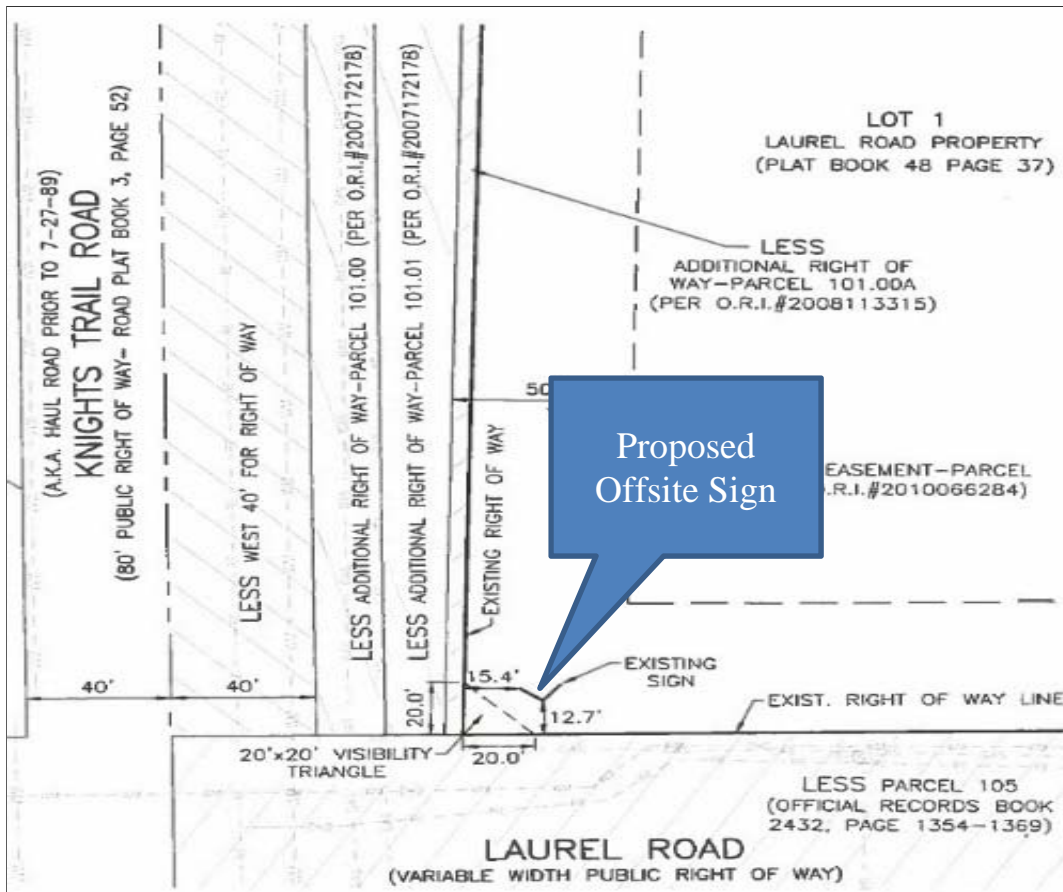
As shown on the aerial photograph below, the subject property is located at the northeast corner of the intersection of Knights Trail Road and Laurel Road. The red circle on the aerial identifies the approximate location of the subject sign. The currently vacant Portofino project is the property depicted outlined in blue with the Toscana Isles project located immediately to the north.

Aerial Photograph/Existing Land Use



The following photograph shows the location of the proposed offsite sign.





Existing uses, current zoning and the future land use designation of surrounding properties is provided in the following table.

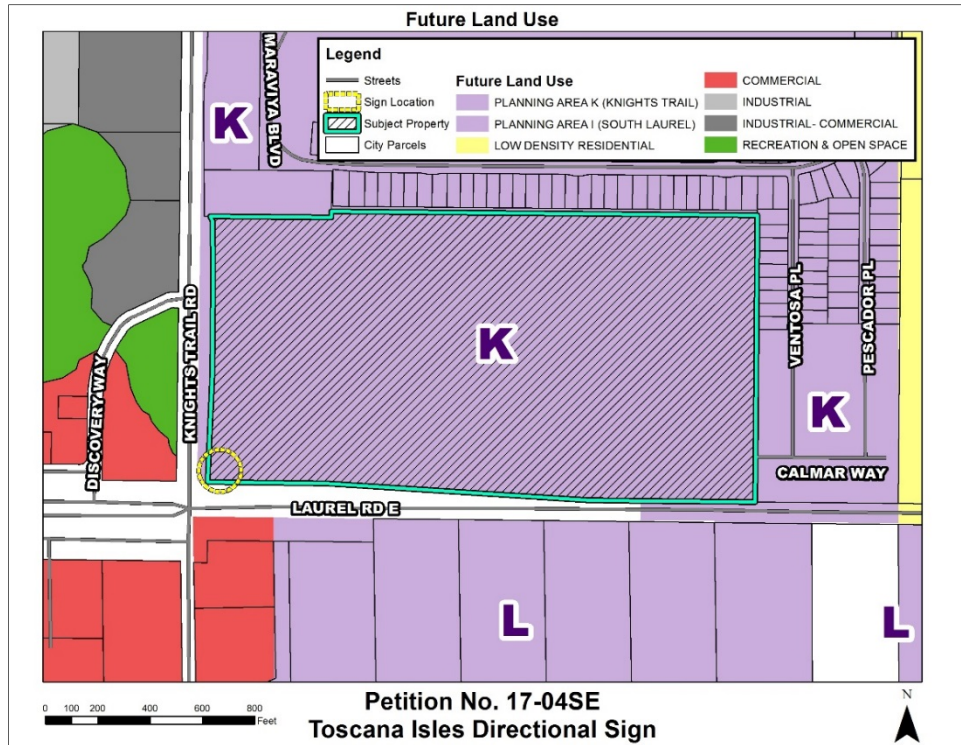
Direction	Existing Use(s)	Current Zoning (see page 5)	Future Land Use Designation (see page 5)
North	Residential (Toscana Isles)	Planned Unit Development (PUD)	Knights Trail Neighborhood (Planning Area K)
West	Retail (Automotive Convenience Center)	Commercial, Intensive (CI)	Commercial
South	Vacant Retail (Former CVS)	Commercial, Highway Interchange (CHI)	Commercial
East	Residential (Willow Chase)	Residential, Single-Family-4 (RSF-4)	Low Density Residential

Future Land Use and Zoning:

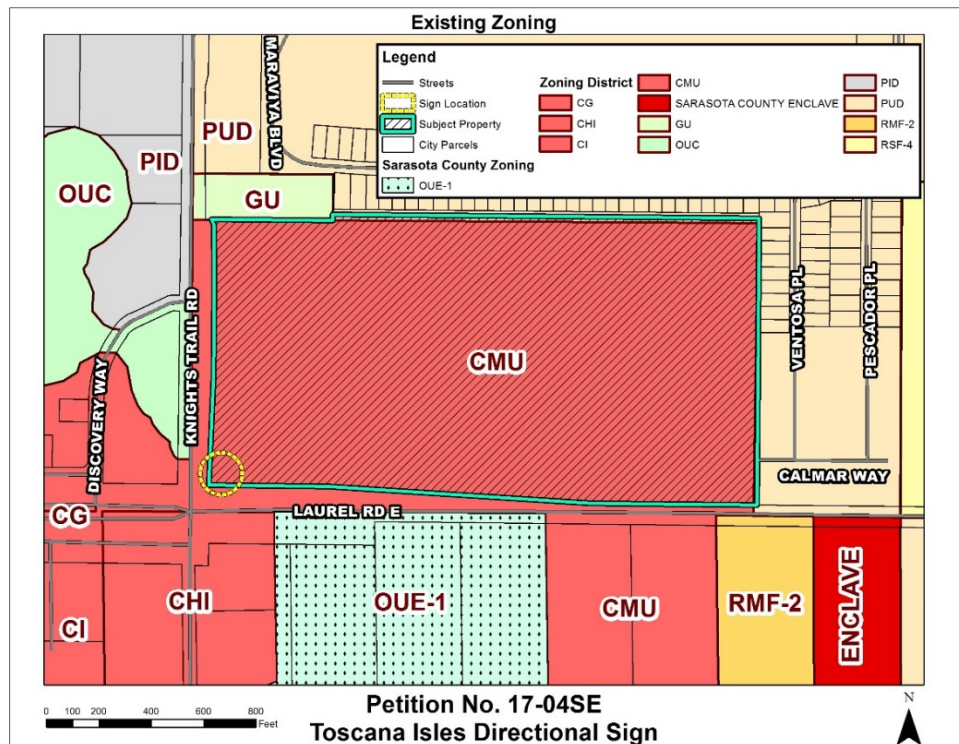
The maps below indicate both the future land use designation of the property where the sign is located as the Knights Trail Neighborhood (Planning Area K) and the zoning designation for the property as Commercial, Mixed-Use. Neither the standards of the Knights Trail Neighborhood

nor the comprehensive plan itself provide any significant guidance as to signage. In addition, although the city's land development code provides all the regulatory standards related to signage in the city, there are no standards provided for offsite signs. Direction for this petition is limited only to the requirement for a special exception for such a proposal.

Map 2: Future Land Use Map



Map 3: Zoning Map



III. PLANNING ANALYSIS

This section of the report provides information on the subject petition's consistency with the comprehensive plan, the land development code and the CMU Master Plan, concurrency, and provides the summary findings contained in Section 86-43(e).

Consistency with the Comprehensive Plan:

As indicated above, the future land use designation of the property where the sign is located as the Knights Trail Neighborhood (Planning Area K). Neither the standards of the Knights Trail Neighborhood nor the comprehensive plan itself provide any significant guidance as to signage.

Consistency with the Land Development Code

As indicated above, although the city's land development code provides all the regulatory standards related to signage in the city, there are no standards provided for offsite signs other than the requirement for a special exception. There are also no standards provided in the CMU master plan for the subject sign. A permit is required for the subject sign which the applicant has not obtained. If the special exception is approved, the applicant will need to make application and be issued the appropriate permit.

Concurrency/Adequate Public Facilities:

The city's concurrency management regulations do not apply to signage.

Required Planning Commission Findings for Special Exception Approval:

In accordance with Section 86-43(e), before any special exception shall be approved, the planning commission shall make a written finding that the granting of the special exception will not adversely affect the public interest and certify that the specific requirements governing the individual special exception, if any, have been met by the petitioner and that, further, satisfactory provision and arrangement has been made concerning 1 thru 10 below, where applicable. Due to the nature of the subject petition, many of the indicated criteria are not applicable. The applicant has provided a response to each of the criteria in their application.

1. Compliance with all applicable elements of the comprehensive plan.
Staff comment: The City's Comprehensive Plan does not provide any significant guidance on signage.
2. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
Staff comment: The proposed offsite sign is not within the required visibility triangle and has minimal impact to pedestrians, traffic or access.
3. Off-street parking and loading areas, where required, with particular attention to the items listed in subsection (e)(2) of this section and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
Staff comment: NA
4. Refuse and service areas, with particular reference to the items listed in subsections (e)(2)

and (e)(3) of this section.

Staff comment: NA

5. Utilities, with reference to location, availability and compatibility.

Staff comment: NA

6. Screening and buffering, with reference to type, dimensions and character.

Staff comment: NA

7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.

Staff comment: As indicated above, the subject sign is not within the required visibility triangle and is not illuminated.

8. Required yards and other open space.

Staff comment: The sign location does comply with general sign standards for location.

9. General compatibility with adjacent properties and other property in the district.

Staff comment: It does not appear that the subject sign is at variance with nearby signage or properties.

10. Any special requirements set out in the schedule of district regulations of this chapter for the particular use involved.

Staff comment: As indicated, there are no standards in the City's Land Development Code for offsite signs.

IV. SUMMARY FINDINGS FOR SPECIAL EXCEPTION DETERMINATION

Based on the staff report, applicant's materials, and discussion and comments during the public hearing, following are the summary findings for determination on the subject special exception petition.

1. **Consistency with the Comprehensive Plan:** As indicated above, the City's Comprehensive Plan does not provide any significant guidance on signage.
2. **Concurrency:** The city's concurrency management regulations do not apply to signage.
3. **Compliance with the Land Development Code:** There are no standards in the City's Land Development Code regarding offsite signs. Only the requirement to follow the special exception process which the applicant is consistent with.
4. **Upon consideration of the Special Exception Review Criteria Provided in 86-43(e):** Based on review of the criteria for special exception above, the Planning Commission shall confirm the following:
 - a. Granting of the special exception will not adversely affect the public interest.
 - b. Certify that the specific requirements governing the individual special exception, if any, have been met.
 - c. Satisfactory provision and arrangement has been made concerning the above criteria.