

## A G E N D A



## Recommendation for Council Action

Austin City Council	Item ID	38080	Agenda Number	196.
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Meeting Date:	12/11/2014	Department:	Planning and Development Review
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## Subject

Conduct a public hearing and consider an appeal by 35 Austin Partners Ltd regarding the Sign Review Board's approval of several variances for property at 6406 N IH 35.

## Amount and Source of Funding

## Fiscal Note

Purchasing Language:

Prior Council Action:

For More Information: Leane Heldenfels, (512) 974-2202; Viktor Auzenne, (512) 974-2941.

Boards and Commission Action: October 13, 2014 – Approved by Sign Review Board on a vote of 7-1 with Commissioner Hawthorne absent.

MBE / WBE:

Related Items:

## Additional Backup Information

On October 31, 2013, Nikelle Meade of Husch Blackwell LLP, agent for Dean Davidov of 35 Austin Partners Ltd submitted a request for a variance from the Sign Review Board to:

- increase the number of freestanding or wall directional signs permitted by City Code Section 25-10-101(C)(1) from one per curb cut to two per curb cut;
- increase the maximum area of a directional sign permitted by City Code Section 25-10-101(C)(2) from 12 square feet to 15 square feet;
- increase the maximum height of a freestanding directional sign permitted by City Code Section 25-10-101(C)(3) from 4 feet above grade to 8 feet above grade;
- allow a sign permitted under City Code Section 25-10-123 to project up to 4.5 feet for each tenant storefront;
- increase the maximum number of signs permitted by City Code Section 25-10-123(B)(1) from three to eight;
- increase the maximum sign area permitted by City Code Section 25-10-123(B)(2) from the lesser of 300 square feet or 0.7 square feet for each linear foot of street frontage to 600 square feet;
- increase the maximum sign height permitted by City Code Section 25-10-123(B)(3) from 35 feet above grade

to 80 feet above grade;

- increase the maximum sign area permitted by City Code Section 25-10-123(F) from 20% of the façade area for the first fifteen feet of the building to the greater of either 25% of the façade area of the first 15 feet of the building or 30% of the total area of a store front;
- waive the requirement in City Code Section 25-10-131(E) that states that additional freestanding signs are only eligible for pad sites, so long as the space for which the waiver is applied is at least 6,400 square feet, and
- increase the maximum height of a roof sign in City Code Section 25-10-132(C) from the lesser of 5 feet above the building façade or 5 feet above the maximum height permitted for a freestanding sign to the lesser of 8 feet above the building façade or 8 feet above the maximum height permitted for a freestanding sign on the property at 6406 N IH 35.

City Code Section 25-10-43 of the Land Development Code states that the Sign Review Board may grant a variance from the requirements of the sign regulations after determining that granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated; and

- (1) the variance is necessary because enforcement of the requirement prevents any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site including its dimensions, landscaping, or topography;
- (2) granting the variance will not have a substantially adverse effect on neighboring properties; or,
- (3) granting the variance will not substantially conflict with the purposes of this chapter.

On October 13, 2014 the Sign Review Board approved Ms. Meade's request by a vote of 7-1 with the following conditions:

- the maximum sign height permitted by City Code Section 25-10-123(B)(3) be increased from 35 feet above grade to 50 feet above grade rather than 80 feet above grade as requested by the applicant,
- the maximum sign area permitted by City Code Section 25-10-123(B)(2) be increased from the lesser of 300 square feet or 0.7 square feet for each linear foot of street frontage to 395 square feet rather than 600 square feet as requested by the applicant, and,
- all signs be installed in accordance with the site plan submitted with the variance request.

On October 27, 2014, Ms. Meade submitted a request to appeal the Sign Review Board's decision to City Council. City Code Section 25-10-44 states that an interested party may appeal to the City Council the Sign Review Board's action. As the agent for the applicant, Ms. Meade is considered an interested party.