

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: April 4, 2016****CASE NUMBER**

6034/3837/2508

**APPLICANT NAME**

Wrico Signs, Inc.

**LOCATION**3859 Cottage Hill Road  
(South side of Cottage Hill Road, 125'± West of Azalea Road).**VARIANCE REQUEST****SIGN:** Sign Variance to allow a third freestanding sign and two additional wall signs for a multi-tenant site with 885'± linear street frontage and one existing wall sign.**ZONING ORDINANCE  
REQUIREMENT****SIGN:** The Zoning Ordinance allows three freestanding signs for multi-tenant sites with more than 1,201'± linear street frontage, and a maximum of one wall sign per tenant per street frontage for multi-tenant sites in a B-3, Community Business District.**ZONING**

B-3, Community Business.

**AREA OF PROPERTY**

7± Acres

**TRAFFIC ENGINEERING  
COMMENTS**

No comments.

**CITY COUNCIL  
DISTRICT**

District 4

**ANALYSIS**

The applicant is requesting a Sign Variance to allow a third freestanding sign and two additional wall signs for a multi-tenant site with 885'± linear street frontage; the Zoning Ordinance allows three freestanding signs for multi-tenant sites with more than 1,201'± linear street frontage, and a maximum of one wall sign per tenant per street frontage for multi-tenant sites in a B-3, Community Business District.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The site currently has one (1) illuminated, double-faced, freestanding, tenant panel sign, whereon the applicant is advertised, located between its two southernmost entrances along Azalea Road; one (1) permitted, illuminated, double-faced monument sign located at the entrance to an existing Wendy's restaurant; and various permitted, illuminated and non-illuminated, single-faced wall signs, of which one (1) also belongs to the applicant. It should be noted that the freestanding tenant panel sign is unpermitted, but that the site was developed in 1960 prior to current regulations and may, therefore, be considered non-conforming; however, it should also be noted that the freestanding sign appears to meet Zoning Ordinance requirements regarding similar signs.

Regarding the proposed freestanding sign, the applicant states:

*The subject shopping plaza is situated on the southwest corner of Azalea Rd. and Cottage Hill Rd. The overall width of the shopping plaza as facing Cottage Hill Rd. is 641.72'; the Cottage Hill Rd. frontage of the shopping plaza is 517.14'. Included within this 517.14' of Cottage Hill Rd. frontage is the outlying sublet Wendy's site with 194.06' frontage. Netting out the Wendy's frontage from the Cottage Hill Rd. (517.14') plaza frontage on Cottage Hill Rd., yields a residue frontage of 323.08' along Cottage Hill Rd.*

*Save-A-Lot Food Stores has recently opened a new corporate owned grocery store in a 146' wide tenant space formerly occupied by Fred's. Save-A-Lot currently has exterior wall signage facing Cottage Hill Rd. as well as identification in an existing freestanding sign on and addressing Azalea Rd. traffic. The addition of Save-A-Lot as an anchor tenant to the tenant mix of this property enhances the site and provides needed goods and services for the surrounding neighborhood and community.*

*The existing wall sign faces the north (parking lot) and is considerably setback (345') from Cottage Hill Rd. traffic. Four lane Cottage Hill Rd. traffic is posted at 40 MPH or 58' per second. The entire Cottage Hill Rd. frontage of this property can be passed in less than 9 seconds when travelling at posted speed. At this speed coupled with obstructing Wendy's and Shell Oil (not part of subject parcel) buildings; the line of mature trees within the Cottage Hill Rd. right of way; and the distant approx.. 345' setback of the Save-A-Lot storefront from Cottage Hill Rd., their north facing wall sign will only be seen for brief glimpses of time for both east and westbound traffic on Cottage Hill Rd. Northbound and southbound Azalea Rd. traffic will have little or no exposure to this wall sign and must rely on the existing freestanding sign identification along that frontage. Accordingly for Cottage Hill Rd. traffic travelling in both directions, a freestanding sign on the Cottage Hill Rd. frontage truly becomes the primary identification for Save-A-Lot.*

*The field of vision from Cottage Hill Rd. of the Save-A-Lot wall signage (345' off of the edge of the Cottage Hill south right of way) is limited to brief glimpses between outlying buildings and trees. The flow of traffic at speed is 58' per second. In order to view Save-A-Lot signage from Cottage Hill Rd. so as to allow drivers time to read a sign, assimilate the message of a sign and react by making a safe driving decision (aka "viewer reaction time" – conservatively estimated via scientific study at 10 seconds) within a school zone, this sign must be a freestanding sign on Cottage Hill Rd. at the centrally located entrance drive.*

*With the need for a primary freestanding sign to allow Save-A-Lot to effectively advertise and identify themselves along the Cottage Hill Rd. frontage and with the sign options as previously outlined not viable to do so, Save-A-Lot has opted for a new freestanding sign.*

*Hand-in-hand with the above outlined needs and viewer reaction time, a sign at this size allows for letter copy of a size than can be read from a distance that allows for traffic to make safe driving decisions. The rule of thumb is that 18" in block upper case letter height (the letter "S") with a contrast between letter color (white) and background color (red) has a maximum readable distance of 750' and a readable distance for maximum impact of 180'. While the letter "S" in the "Save" portion of the freestanding is 18" tall, the other letters are approx.. 12" tall or less. None-the-less, the letter sizing on the requested freestanding sign will provide traffic travelling in both directions on Cottage Hill Rd. with suitable "viewer reaction time" and argument could be made that a much larger sign with much larger letter height would provide optimal "viewer reaction time".*

*Approving the requested placement variance will provide Save-A-Lot with the minimum adequate signage needed to maximize their investment in the competitive retail landscape. The success of Save-A-Lot will improve the subject property, benefit the other tenants (and future tenants) and benefit the local consumer community. A successful Save-A-Lot and a successful shopping plaza will promote the general health, safety and welfare of the residents and improve a safe and orderly vehicular environment.*

With regards to the amount of linear street frontage, the subject site faces 885'± of roadway along both Cottage Hill Road and Azalea Road. This amount does not exclude Wendy's restaurant since the development is inclusive of Azalea Road Shopping Center and Wendy's, the only out-parcel development being Shell gasoline station at the southwest corner of Cottage Hill Road and Azalea Road. As such, the site does not meet the minimum required 1,200' of street frontage to allow for a third freestanding sign, monument or otherwise. It is worth noting, however, that re-configuration of the site in such a way to re-subdivide Wendy's restaurant as an out-parcel, and allow shared access and parking between the two sites via Planned Unit Development, would eliminate the impact Wendy's' existing monument sign has on the maximum allowable number of freestanding signs for the remainder of the site.

While it is understandable that existing wall signage for the subject site limits visibility from the roadway, Staff cannot verify to what extent such visibility is limited or to what extent reduced signage impacts traffic safety in the area without supporting documentation. Additionally, it should be noted that the existing freestanding tenant panel sign along Azalea Road has

traditionally served as signage for the development and does not appear to have been an issue with respect to advertising existing tenants, even in the absence of similar signage along Cottage Hill Road.

Regarding the proposed additional wall signs, the applicant states:

*Save-A-Lot Food Stores has recently opened a new corporate owned grocery store in a 146' wide tenant space formerly occupied by Fred's. Save-A-Lot currently has exterior wall signage facing Cottage Hill Rd. as well as identification in an existing freestanding sign on and addressing Azalea Rd. Traffic. The addition of Save-A-Lot as an anchor tenant to the tenant mix of this property enhances the site and provides needed goods and services for the surrounding neighborhood and community.*

*Save-A-Lot seeks to install non-illuminated, permanent vinyl window graphics and signage on the exterior surfaces of their storefront windows. The purpose of this signage and graphics is multi-fold: conceal the backside of product display racks and cases that may abut the interior of the store windows; provide minor identification; and improve the visual appearance of the storefront primarily to pedestrian and vehicle traffic immediately in front of the store.*

*Existing wall signage for this Save-A-Lot occupies 321.42 SQ FT in area when 350 SQ FT is allowed for this tenant space. Some/all of the desired window graphics could occupy the remaining balance of the wall sign area allowance.*

*Approving the requested exterior placement variance will provide Save-A-Lot with the opportunity to improve the appearance of their store in this competitive retail landscape. The approval the requested exterior placement variance is minor in nature in that the graphics are primarily designed for up close viewing; the graphics are tasteful in appearance; and the graphics will eliminate the need for an ever changing display of interior located "weekly specials and price" paper (and tape mounted) window signs. The success of Save-A-Lot will improve the subject property, benefit the other tenants (and future tenants) and benefit the local consumer community. A successful Save-A-Lot and a successful shopping plaza will promote the general health, safety and welfare of the residents and improve a safe and orderly vehicular environment.*

The subject site, as mentioned previously, utilizes both a wall sign and tenant panel sign to advertise their location. Staff, again, understands that signage for the site may be visually limited from the roadway; however, in addition to not knowing to what extent such visibility is limited, Staff has iterated that existing freestanding signage has served the subject site for some time without seemingly contributing to any hardships – the same can be said of existing wall signage, thereby suggesting the adequacy of such signage in serving the subject site.

Regarding the proposed, permanent vinyl window graphics, while they may conceal interior signage and equipment, thus providing an aesthetic store front, it should be noted that the Zoning Ordinance, with the exception of similar signage in the Downtown Development District, does not regulate signs placed on the interior of buildings. As such, placing the proposed vinyl

window graphics on the exterior of the store front would create a self-imposed hardship with regards to the sizes and amounts of additional signage on a group building site.

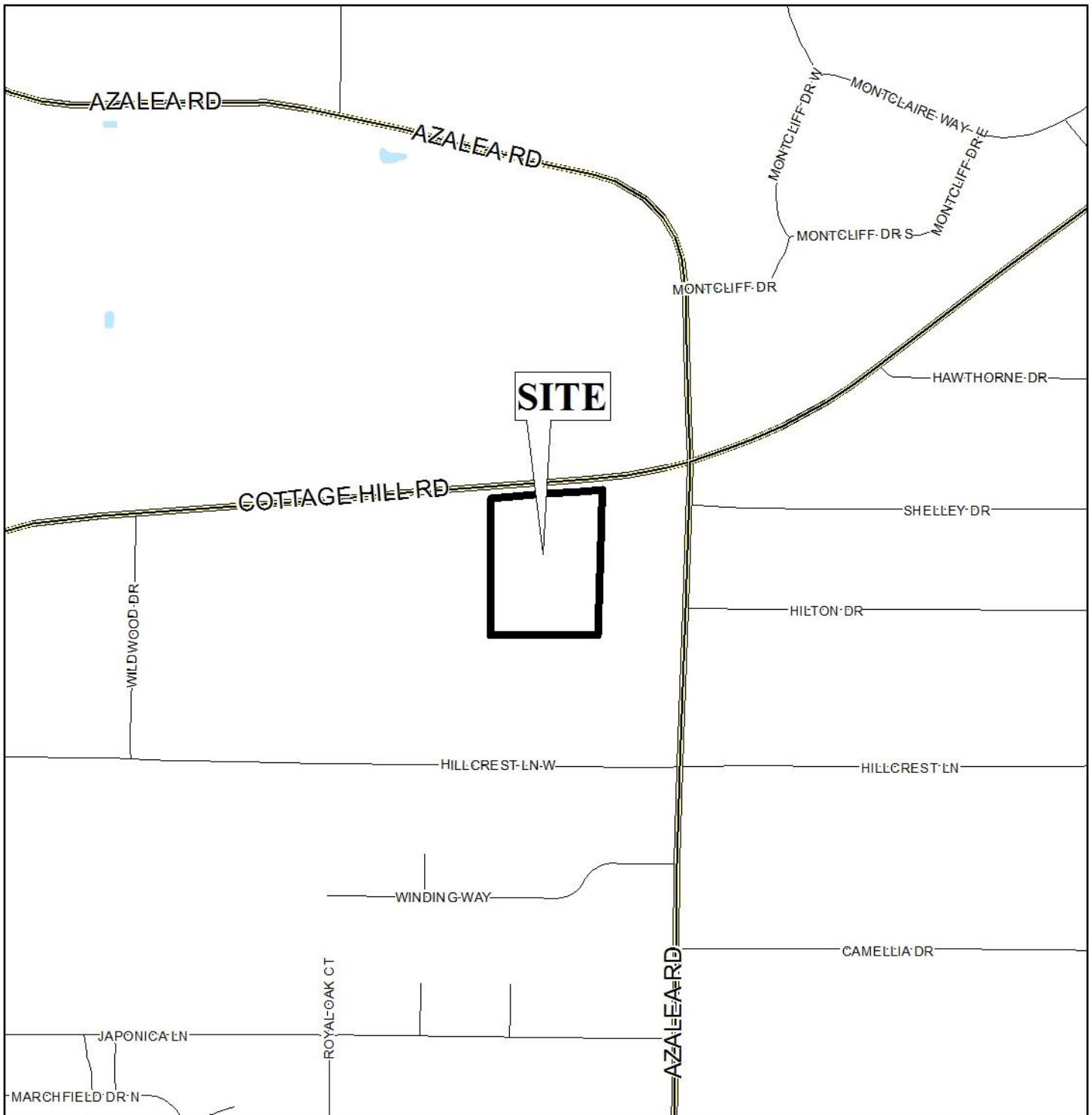
The proposed vinyl window graphics may provide an opportunity to improve the appearance of Save-A-Lot's store front; however, considering the applicant mentions the proposed graphics are "minor in nature" and "primarily designed for up close [*sic*] viewing," it is reasonable to assume that placing the vinyl graphics on the store's interior would have the same effect as their exterior placement. Also, with regards to the proposed signage improving the subject site, benefiting neighboring tenants and the community, it is unclear how such signage will do so when, as previously discussed, existing signage does not appear to negatively impact the property. Lastly, again with regards to the success of Save-A-Lot promoting and improving the general health, safety and welfare of neighboring tenants and surrounding neighborhoods, variance applications cannot be approved based on economic conditions of the property.

Staff is aware that there may be limitations inherent of reduced visibility of signage, thus suggesting a possible hardship. However, it appears that several similar developments within 1.5± miles of the subject site are also limited in their amount of signage but have made no applications to the Board of Zoning Adjustment suggesting any hardships comparable to those iterated by the applicant. Additionally, the Board has denied additional signage, both wall and freestanding, at two properties within the aforementioned range of the subject site as recently as 1999 and 2003. As such, given the similarities in previous Sign Variance requests, the applicant has not presented sufficient evidence demonstrating a hardship as required in Section 64-8.B.6.f.(3).(d) of the Zoning Ordinance; approving this application, therefore, may not be appropriate.

**RECOMMENDATION:** Based on the preceding, staff recommends to the Board the following findings of fact for Denial:

- 1) Granting the variance will be contrary to the public interest in that it will be contrary to Section 64-11.8.c.(3). of the Zoning Ordinance regarding signs in commercial districts with multiple establishments, especially since previous, similar requests by nearby properties have been denied;
- 2) Special conditions may exist, including reduced visibility of existing signage from Cottage Hill Road, but not in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, especially since existing signage does not appear to have negatively impacted the subject site; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance since the development can be re-subdivided to exclude the impact of an existing monument sign, and since window signs may be placed on the interior of the subject site without regulation.

# LOCATOR MAP



APPLICATION NUMBER 6034 DATE April 4, 2016

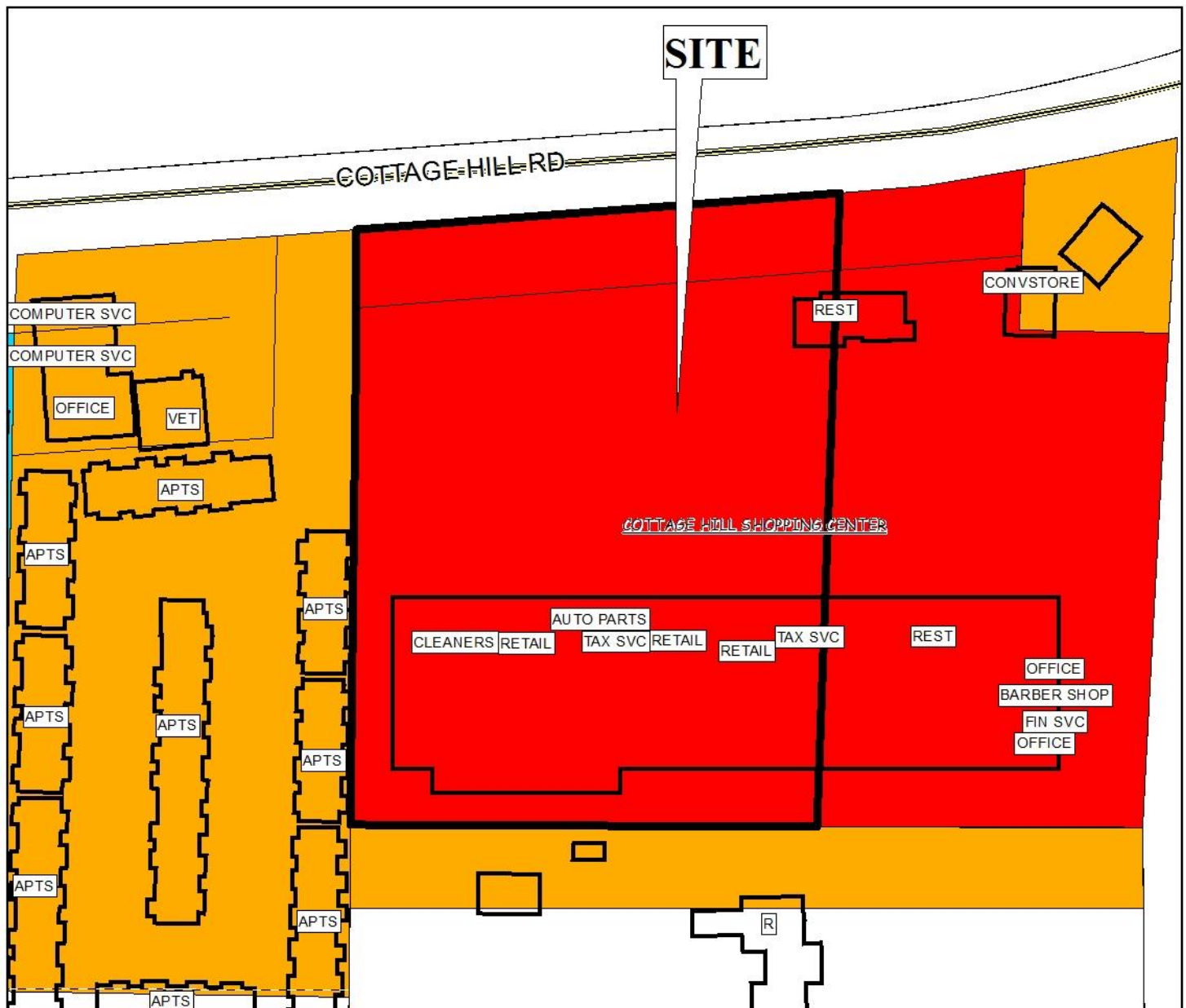
APPLICANT Wrico Signs, Inc.

REQUEST Sign Variance



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

APPLICATION NUMBER 6034 DATE April 4, 2016

APPLICANT Wrico Signs, Inc.

REQUEST Sign Variance

|     |     |      |     |     |      |       |      |
|-----|-----|------|-----|-----|------|-------|------|
| R-A | R-3 | T-B  | B-2 | B-5 | MUN  | SD-WH | T5.1 |
| R-1 | R-B | B-1  | B-3 | I-1 | OPEN | T3    | T5.2 |
| R-2 | H-B | LB-2 | B-4 | I-2 | SD   | T4    | T6   |





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The site is surrounded by commercial and residential units.

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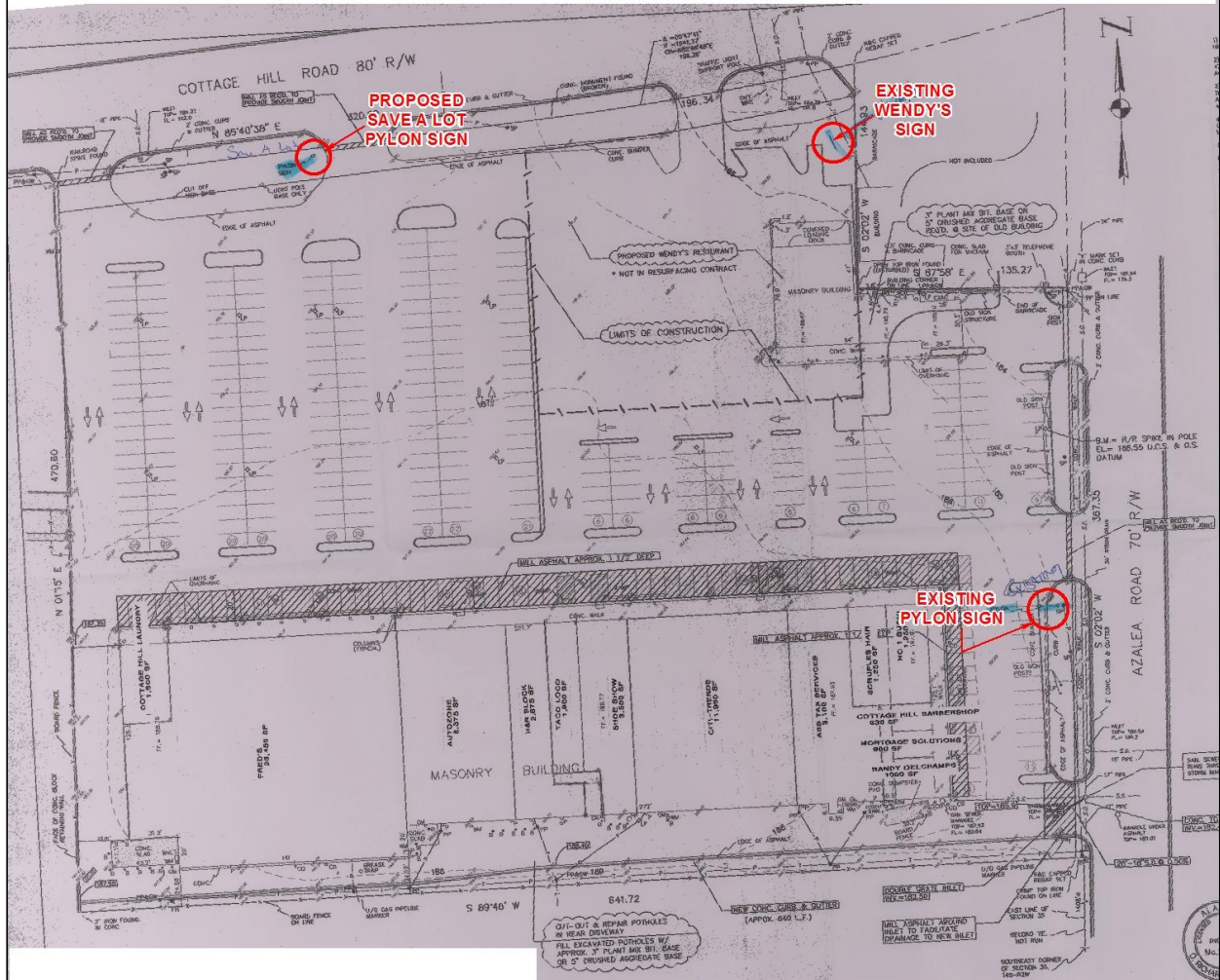
APPLICANT Wrico Signs, Inc.

REQUEST Sign Variance





# DETAIL SITE PLAN



APPLICATION NUMBER 6034 DATE April 4, 2016

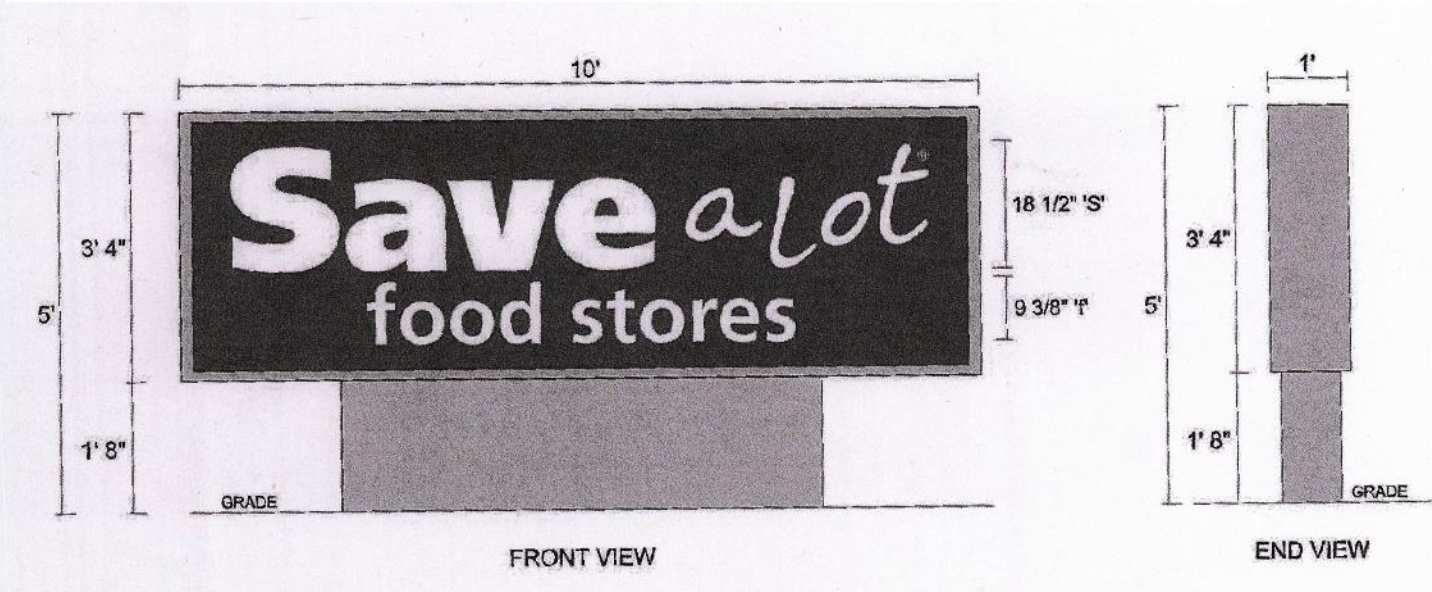
APPLICANT Wrico Signs, Inc.

REQUEST Sign Variance



NTS

# DETAIL SITE PLAN



ONE (1) INTERNALLY ILLUMINATED TWO SIDED FREESTANDING SIGN  
FOR COTTAGE HILL ROAD FRONTAGE

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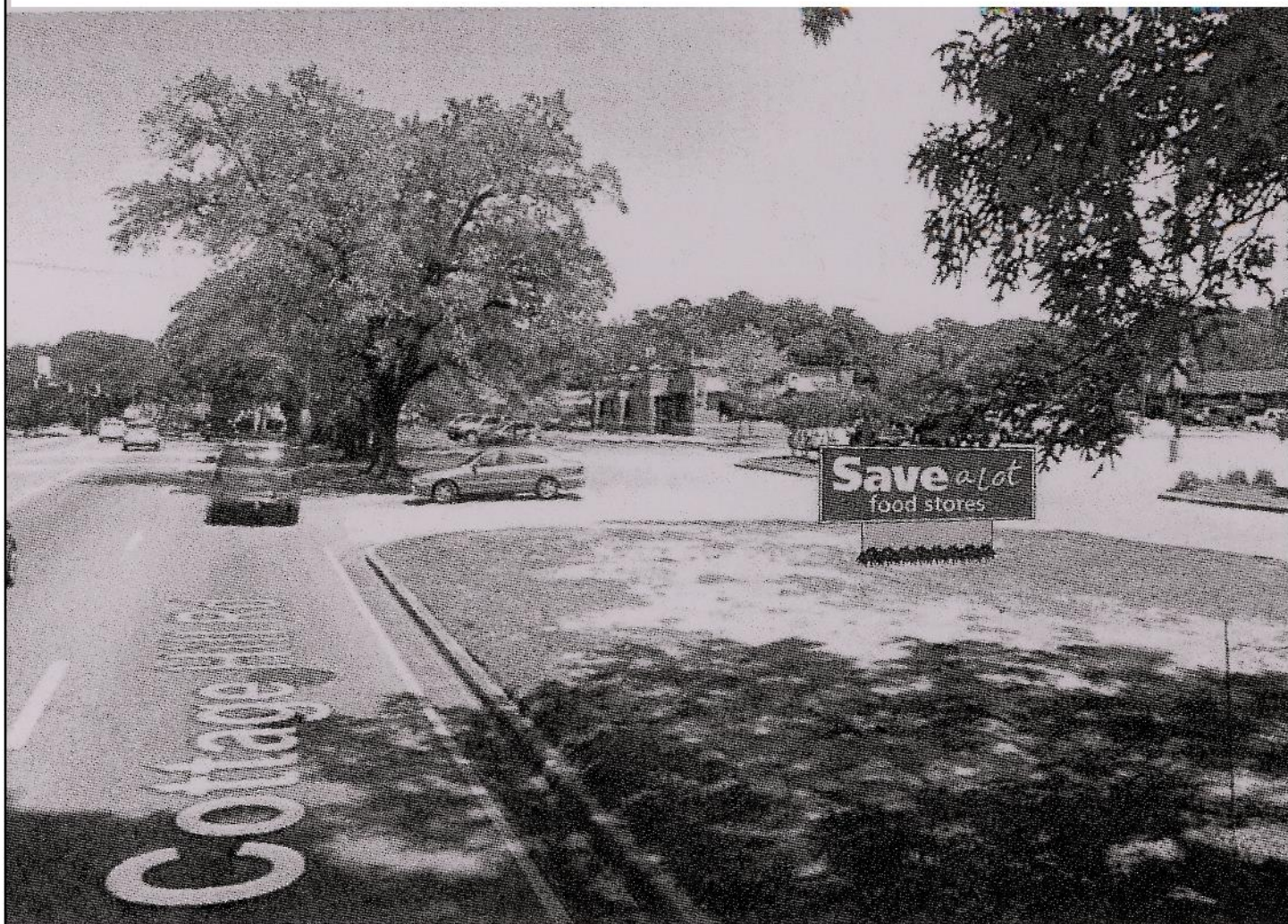
APPLICANT Wrico Signs, Inc.

REQUEST\_\_\_\_\_Sign Variance





# DETAIL SITE PLAN



VIEW DRIVING EAST ALONG COTTAGE HILL ROAD

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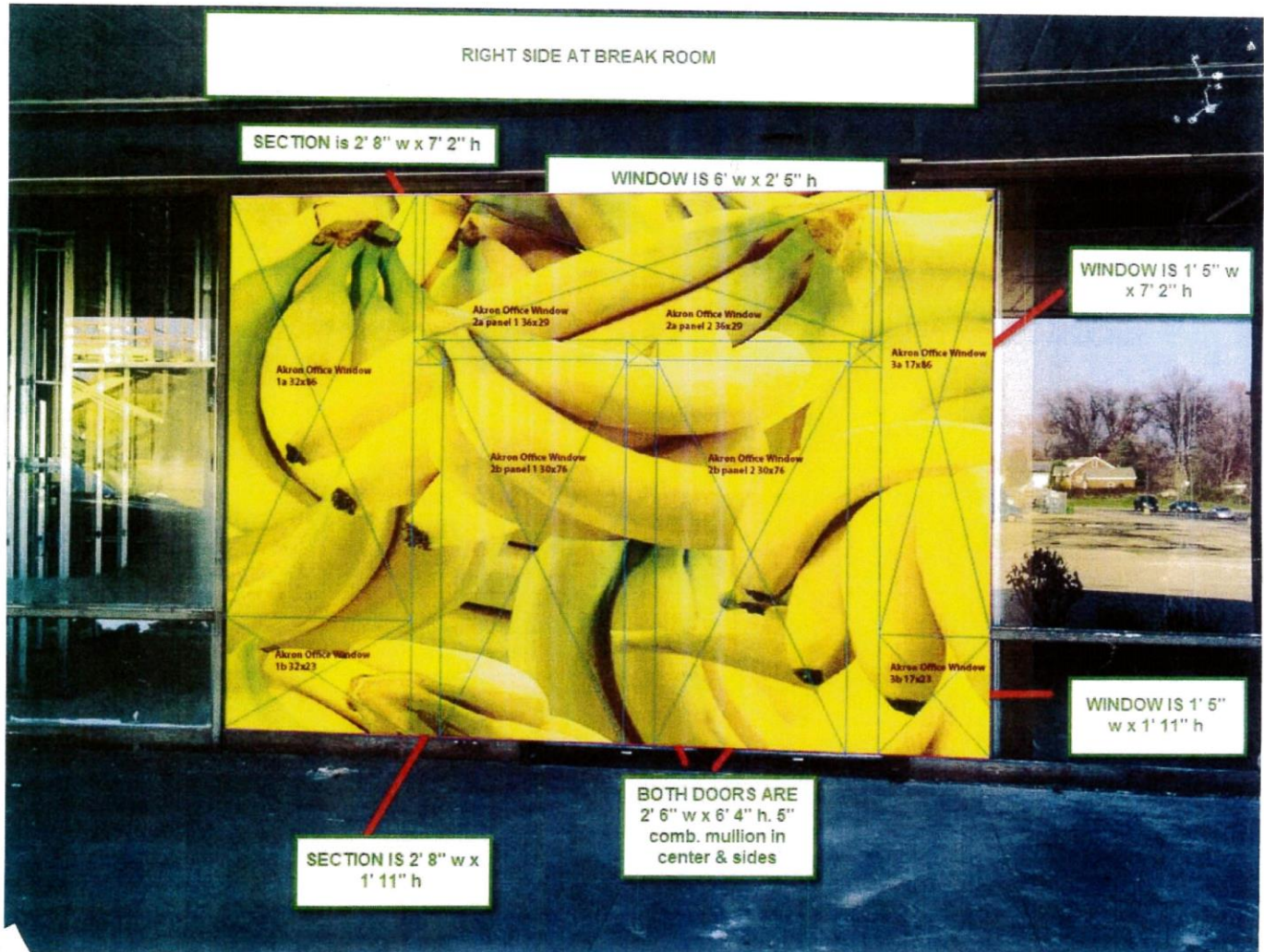
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REQUEST Sign Variance





# DETAIL SITE PLAN



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