



Staff Report

Meeting Date: May 16, 2019

Planner: Karl Onsager

APPLICATION SUMMARY:

Case Number: VAR19-0005

Application Type: Sign Variance

Location: 6857 S. Broadway
(East side of S. Broadway at the intersection of Sterne Parkway and Broadway)

Applicant: Lisa Croston

Owners: Valero Diamond Metro Inc

Zoning District: B-2 Community Business District

Applicant Request: An increase in allowed total sign area from 224.7square feet to 238.7 square feet.

PROCESS:

Section 10-17-7-11 of the Littleton City Code (LCC) gives the Board of Adjustment (BOA) authority to grant variances to the sign code. A variance cannot be granted unless all of the following conditions are met:

- (A) There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desires to draw attention, and do not apply in general to all businesses or enterprises in the area.
- (B) The variance would be in general harmony with the purposes of this chapter, and specifically would not be injurious to the neighborhood in which the business or enterprise to which the applicant desires to draw attention is located.
- (C) The variance is the minimum one necessary to permit the applicant to reasonably draw attention to his business or enterprise.
- (D) The board may grant a variance subject to any conditions which it deems necessary or desirable to make the device which is permitted by the variance compatible with the purposes of this chapter.

LOCATION:

The site is located at 6857 S. Broadway in the Broadridge Plaza 2nd Filing subdivision, see the aerial map on the following page.

6857 S. Broadway Aerial Map**BACKGROUND:**

The subject property was developed in 1968 as a convenience store and gas station which is a permitted use in the B-2 zone district. There are four existing signs for the previous occupant Diamond Shamrock that total 254.7 sq. ft. Based on linear lot frontage, the site is allowed a total sign area of 224.7 sq. ft. A complete record of the original sign permit or approval for the existing signage was not available in the City's records.

APPLICATION DETAILS:

The applicant has applied for four signs to rebrand the property from Diamond Shamrock to Circle K. The applicant has proposed to reface the existing ground sign and replace the existing

awning and wall signs. While the application reduces total sign area square footage from the existing amount, the application is still above the total allowed sign area for the site which has resulted in the applicant's variance request to increase the allowed sign area from 224.7 square feet to 238.7 square feet for the site.

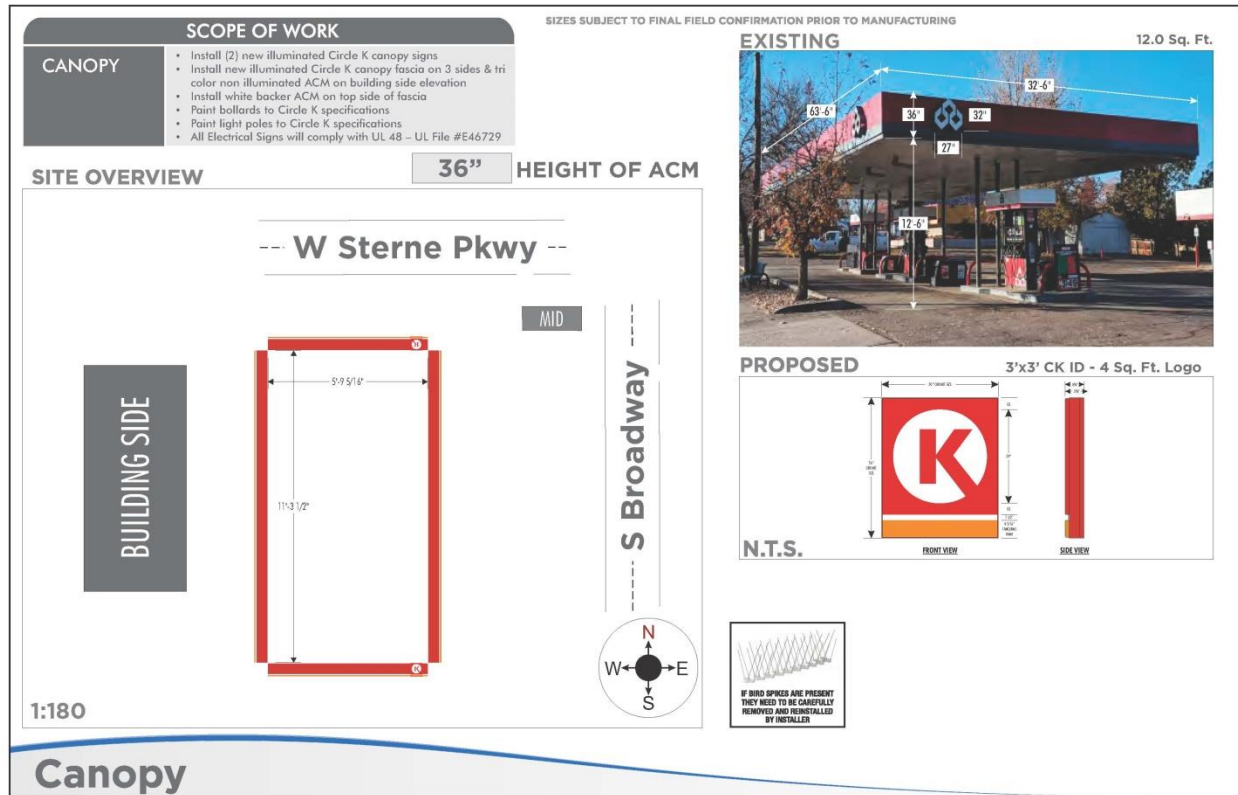
A significant constraint is the existing, non-conforming ground sign that has 105.35 sq. ft. per display face for a total sign area of 210.7 sq. ft. Per the Littleton City Code (LCC), ground signs are allowed a total of 100 sq. ft. per display face and 200 sq. ft. per ground sign. The city has allowed applicants to reface signs in non-conforming sign cabinets or structures in accordance with section 10-17-7-3 of the LCC that addresses non-conforming signs. The ground sign results in a remaining 14 sq. ft. for allowed sign area on the site. The following table shows the existing and sign areas and images show the existing and proposed signs and locations on the site.

	Total Sign Area (sq. ft)	Ground Sign (sq. ft)	Awning Sign 1 (sq. ft)	Awning Sign 2 (sq. ft)	Wall Sign (sq. ft)
Existing	254.7	210.7	12	12.0	20.0
Proposed	238.7	210.7	4.0	4.0	20.0

Ground Sign



Awning Sign 1 and 2



Wall Sign



CRITERIA & STAFF ANALYSIS:

The following is an assessment of the application under the criteria for approval contained in LCC section 10-17-7-11:

- 1. There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desires to draw attention, and do not apply in general to all businesses or enterprises in the area.**

Applicant Response: With refacing of existing [ground] sign square footage currently allowed would not allow for building gas canopy or [wall sign] to be changed to current brand.

Staff Analysis: The special circumstance indicated by the applicant is the sign area allocated to the non-conforming ground sign that prevents almost any additional signage. The question becomes, however, whether this situation: 1. Substantially restricts the effectiveness of the sign in question; and 2. Is particular to the business or enterprise to which the applicant desires to draw attention and does not apply generally to all businesses or enterprises in the area. To the first question, while the ground sign restricts all but 14 sq. ft. of additional signage on the site, it is staff's opinion that the size of the ground sign, which is above the allowed maximum, acts as the primary way attention is effectively drawn to the site. There do not appear to be any imposing factors on the existing ground sign such as topography, vegetation, adjacent lots, building locations, or right-of-way that substantially restrict the effectiveness of the ground sign.

As to the second question, all businesses desire to draw more attention to their location. Sign permit applicants are often required to modify their request to meet the allowed square footage for their location. In this regard, staff believes the desire for additional sign square footage applies generally to all businesses in the area. Because there do not appear to be special circumstances that restrict the effectiveness of allowed signage on the site and the desire for additional sign area is not unique to this business, staff does not believe this criterion is met.

- 2. The variance would be in general harmony with the purposes of this chapter, and specifically would not be injurious to the neighborhood in which the business or enterprise to which the applicant desires to draw attention is located.**

Applicant Response: Sign changes for new brand are not increasing number of current signs on property, just replacing the same or smaller sizes with new brand name.

Staff Analysis: The sign code establishes purposes in which the variance must demonstrate harmony and that it is not injurious to the neighborhood.

Purposes And Interests Served: The purposes of this chapter include, but are not limited to: 1) serving the governmental and public interests in controlling visual clutter, protecting community aesthetics, and safety of drivers, passengers, and pedestrians; 2) aiding in the identification of properties, land uses, and establishments; 3) enhancing the general appearance and aesthetics of the urban environment; and 4) protecting the natural beauty of the City.

The sign code draws a balance between the desire to draw attention to business and the purposes listed above. The proposal ultimately reduces the existing total sign area, therefore, staff does not believe the variance impedes the safety of drivers, passengers, and pedestrians, nor is it distinctly injurious to the neighborhood since it brings the site closer to conformity. The transportation division similarly does not believe the existing ground sign or other signage poses a risk safety. With that said, the sign code establishes limits on sign area to comprehensively control visual clutter. As such, exceeding the limits established by the code may negatively impact visual clutter or the general appearance and aesthetics of the urban environment.

3. The variance is the minimum one necessary to permit the applicant to reasonably draw attention to [the] business or enterprise.

Applicant Response: We have requested to only change existing signage to new brand in some cases for reducing square footage.

Staff Analysis: The existing ground sign's size and location is the primary way attention is reasonably drawn to the site. While the proposed additional signage reduces the existing overall sign square footage on the site, it is questionable if the awning and wall signs are the minimum to reasonably draw attention to the business.



PUBLIC NOTICE:

Notice of a public hearing was posted on the subject property and at city locations in advance of the BOA meeting in compliance with the city's public notice requirements.

STAFF RECOMMENDATION:

The proposed variance request does not appear to meet the requirements of LCC section 10-17-7-11. Staff, therefore, recommends denial of BOA Resolution 05-2019 denying the variance for an increase in allowed sign area from 224.7square feet to 238.7 square feet.