

**CITY OF URBANDALE  
BOARD OF ADJUSTMENT  
MINUTES**

**November 5, 2008**

The Urbandale Board of Adjustment met in regular session on Wednesday, November 5, 2008, at the Urbandale Administrative Offices Building, 3600 86<sup>th</sup> Street, with Chairperson Patrick Kirchner calling the meeting to order at 6:00 p.m.

Board members present were Carey Evans, Patrick Kirchner, Tom Muselman, and Mark Wandro. Staff members present were Steve Franklin, Community Development Manager/Chief Planner, and Cheryl Vander Linden, Department Secretary.

There were no objections to the official publications as they appeared in the Urbandale/Johnston Register.

The first item on the agenda was approval of the October 8, 2008 meeting minutes.

Ms. Evans moved, and it was seconded by Wandro, to approve the October 8, 2008 meeting minutes. On roll call; Ayes: Evans, Wandro, Muselman, Kirchner; Nays: none. Passes: none. Motion carried.

Then next item on the agenda was the Country Financial Wall Sign Variance, 8525 Douglas Avenue, Suite 37, case no. 011-2008-01.22.

Mr. Jon Augspurger said he would like to thank the Board for meeting with them this evening to review their case for the variance from the ordinance. He said we believe you've reviewed our written appeal and I would be more than happy to answer any questions that you might have for us relative to our sign variance. I would like to add that I just hope that you would agree with the Urbandale City Staff's recommendation for the variance on our signage.

Mr. Kirchner asked in a portion of the staff report, it mentions that you've already purchased your sign. Is that correct?

Mr. Augspurger said unfortunately yes, we have purchased our sign already. There was just a little bit of miscommunication going on between me and the City of Urbandale. I tried to do my "due diligence" in following the necessary procedures, and asking the Urbandale city staff on what we could have for signage. We ordered the sign before we got the sign permit.

Mr. Kirchner said tell me a bit more about that. Who did you talk with and tell me about the miscommunication, as you categorize it.

Mr. Augspurger said before we bought the unit at Omega, I needed to know what we could have for sign exposure. So we went and visited with Steve Franklin to find out exactly what we could have for sign exposure. We were told that we could have double the street exposure, which was 21 lineal feet and we were told we could have double the street exposure. Mr. Franklin did say that we needed to get a sign permit, but being a lay person at this, I interpreted that the sign permit was more for making sure that the sign was professionally installed. So I thought I had oral authority to go ahead and put up the sign when I should have gotten the sign permit first.

Mr. Kirchner said so you made your decision to buy your sign based upon the preliminary information that you received from the city?

Mr. Augspurger said that's correct.

There was no one else who wished to speak in favor of this variance. Mr. Kirchner asked if anyone present wished to speak in opposition.

Mr. Jim Pittman, 8525 Douglas Avenue, units 38 and 40, said my units are right above unit 37. First I'd like to say that my comments are in no way directed against Mr. Augspurger in any way. My son went to school with him, knows him, it's just strictly business and what the rules say. I've been at Omega Place since 1989. I leased for 6 years from REC. Based on such good visibility of 86<sup>th</sup> and Douglas, I decided I wanted to stay there. I have since purchased two units. Over this time frame, I purchased three signs at various intervals, the last of which was in 2002. All were approved in accordance with the "C-O" zoning approved by the City. People have commented to me that they have seen my sign, think they are very appropriate. All of our signs are color coded so that they match the building. All you see is the written portion. The background is blended in with the building. And it's not real bright; in fact the one on one side is not even lit. Over the last five years in our complex, we have had some signage problems. Apparently because of the misunderstanding that Omega Place has a little bit stricter zoning by the City Council, that in their infinite wisdom, I guess, thought that because there are 48 units in that total complex, if everybody put up a rather large sign, it might begin to look like a circus act.

Mr. Pittman said on the two recent insurance installed signs, I called the City when they were installed and asked if they met the zoning requirement. And I was told yes, they did. I have since learned that they may not be in compliance, they may be too large. Recently a new sign was installed at 8515 Douglas, which is the middle building of the three, and then it was removed within about a week. I was told by the owner that the city told him to take it down. He did take it down, but it's now back up. I'm confused on this issue. If we do not enforce the current zoning and require removal of all nonconforming signs where do we stop? Not until all 48 units in the complex have large signs! I ask that you deny this variance. If the variance is approved, I will probably very soon be ordering two new signs that will be as large as the ones that you approve, and would hope that I would be treated equally. He asked do you have any questions?

Mr. Muselman asked in 2002 when you put up your last sign, you didn't need a variance? It was within the limits of the law?

Mr. Pittman said correct. Of all the three signs that I have put, I went to the City first, told them exactly how many square feet was in my units, they calculated it and said it could be such, and that I was told that that includes the whole sign, not just the lettering.

Mr. Kirchner said you mentioned two insurance companies that have larger signs. Do you know if they received variances?

Mr. Pittman said I do not.

Mr. Kirchner said this last situation that you mentioned in which the sign was up, down and then back up again. Is that one of those two insurance companies?

Mr. Pittman said no, that is a third sign.

Mr. Kirchner said so, would your guess be that there are three signs that are not in compliance currently?

Mr. Pittman said based on the information I've been provided, yes.

Mr. Kirchner said that's out of how many units?

Mr. Pittman said 48, of the total complex.

There was no one else who wished to speak in opposition.

Mr. Franklin said the action required on this item is to approve or deny approve or deny a variance of 14 square feet of sign area in addition to the 6 square feet allowed by Section 4.1 of the Sign Ordinance, to allow erection of a 20-square foot wall sign.

Mr. Jon Augspurger, doing business as "Country Financial", is requesting a variance from the 6-square foot maximum wall sign area allowed by the Sign Ordinance to erect a wall sign having 20 square feet of sign area. The proposed sign is a two-foot high by 10-foot long rectangular cabinet sign, with copy reading "Country Financial" displayed on half of the cabinet and Mr. Augspurger's name and phone number displayed on the other half. Mr. Augspurger acquired this office condominium unit, which has 1, 225 square feet of floor area, on September 9, 2008.

The condominium unit is one of 16 office condominium units in this structure (which contains 4 "buildings" under the configuration of the Omega Place owners' association documents), which was constructed in 1978 along with another "two-building" structure and a "six-building" structure. The 12 "buildings"/3 structures together comprise the "Omega Place" office condominiums. Each "building" is two stories in height and contains 4 units, two of which "walk out" at a lower level and two of which "walk out" at an upper level. Each condominium unit is 1,225 square feet in area, and many of the businesses in the complex occupy two or more condominium units.

The Sign Ordinance regulations for the "C-O" Office/Service District differs from those of all other nonresidential zoning districts, with Section 4.1 stipulating that one square foot of wall sign area is allowed for every 200 square feet of floor area. Therefore, the Sign Ordinance restricts any one condo unit, as in Mr. Augspurger's case, to a maximum of 6.125 square feet of sign area. Each of these condo units has 21 feet of building frontage, which in other zoning districts would be allowed 42 square feet of sign area at a ratio of two square feet/one lineal foot of building frontage.

Other office condominium units in the Omega Place complex surround this particular unit. Adjoining the office complex as a whole, are the "Hy-Vee" supermarket to the west and a "Wells Fargo" branch bank to the east that also owns the access drive and buffer yard immediately to the north of Omega Place. Hy-Vee is zoned "P.U.D." The Wells Fargo property is zoned "CO". There are single-family residences directly to the north of the access drive/buffer yard. The "Parkwood Plaza" strip center

lies to the south, zoned "P.U.D". The Urbandale municipal complex lies to the southwest.

The appellant states that the variance is necessary to provide reasonable identification to clients, and that the Ordinance restriction to six square feet does not provide sufficient area to do so because the building setback from 86<sup>th</sup> Street is 110 feet and an 8" minimum letter size is required for visibility according to the National Optometric Society given the setback and 35 mph speed limit. Also, that Country Financial is not well-known in Iowa, so the unit was acquired because of its visibility and the 6-foot sign would not look professional. The appeal also states that two competing insurance companies in Omega Place have larger signs than proposed by this variance. Finally, that the appellant purchased the proposed 20-square foot sign based upon preliminary information provided by City staff, and prior to applying for a sign permit at which time correct information was provided.

He said Mr. Dekker did have me look up permits for two signs a couple of weeks ago to see if they were compliant. One of them was an insurance sign. I don't recall what the names were, but I did look up two signs. And both of those signs were compliant within what's allowed for this particular area. I don't know if someone would have called Mr. Dekker to give him that information but he had me check them out and both were compliant.

Mr. Kirchner asked do you know if those were insurance company signs?

Mr. Franklin said I don't recall what they were. I believe one of them was, but I honestly don't remember. I am aware of the third sign that was mentioned, I believe it was at 8515 Douglas, I think that's Millard Printing. We noticed that it's a fairly large sign. We checked our records and noticed that it was put up without any kind of a permit so we did contact them and asked them to remove the sign and to submit a permit for the sign. They did submit a permit. That particular sign is 30 square feet, it's 10 feet wide by 3 feet tall. The C-O Office Service District differs from all the other non-residential zoning districts in how you calculate the sign square footage in that it's not based on the street frontage of your building. In the C-O district it's one square foot of signage for every 200 square feet of office space. Millard Printing did submit their application. They have suites that total approximately 7,500 square feet of office space. They would have to have at least 6,000 square feet of office space in order to have that 30 square foot sign. Since they had more than that the sign would be allowed, so we did issue the permit and that sign has been installed again over that space. So that one is compliant as well.

Mr. Franklin said Staff analysis is as follows:

1. This property does not appear to be unique compared to other properties that are zoned "C-O" Office/Service District.

The Ordinance treats properties that are zoned "C-O" differently than properties in other zoning districts, but for the purposes of a variance the appropriate comparisons would only be to other properties with "C-O" zoning. It appears that in adopting the Sign Ordinance the City Council intended to treat "C-O" properties differently than properties in other Districts with respect to wall signs, and it is not appropriate for the Board to grant variances that contradict the Council's apparent intent by comparing the relief sought by this appeal to what the Ordinance allows for properties in other zoning districts. If the appellant feels that properties in the "C-O" District receive inequitable treatment by the Sign Ordinance, such concerns should be presented to the

City Council and/or Planning and Zoning Commission.

2. The Ordinance may create a hardship if it impairs or impedes a business's need for reasonable identification to their customers. The Manual on Uniform Traffic Control Devices (MUTCD) can be applied to determine whether the Ordinance creates a hardship by restricting size below the measures of necessary legibility, or whether any hardship that exists may be self-created by reason of the amount of copy the sign proposes, type of font, etc.

At the same time, there are limitations on using the MUTCD to justify larger commercial sign sizes since commercial signs are not limited in number/location like traffic control signs, or carefully controlled for maximum legibility. Every business is allowed multiple signs (wall and free-standing), each has substantial flexibility on where the signs are located, and colors/font style etc. are not optimized for legibility. In most street corridors the combined amount of copy for all commercial signs within any given segment of street frontage, even if all were optimized for legibility, far exceeds the maximum amount of copy that can be comprehended by drivers. In most cases increased sign size only puts the sign in competition with more signs and accordingly more copy that is more overwhelming and less comprehensible.

The Manual on Uniform Traffic Control Devices (MUTCD) has been created and adopted by most if not all Departments of Transportation, cities and counties as the standard specifications and regulations for placement and design of roadway (traffic control) signs. Much of the MUTCD is not relevant to and cannot be applied to commercial signs (for example it specifies specific fonts, maximum amount of copy, maximum number of signs, and colors to maximize legibility, and distance from the road condition/hazard to optimize Perception-Reaction Time [PRT]). However, its criteria for determining necessary letter height et.al. for suitable legibility and PRT are applicable since they are based upon accepted scientific criteria.

The MUTCD states that the minimum legible letter height is 5" to 6" under most traffic conditions and that 1" of letter height provides 40' of legibility for the average person. Therefore, an 8" high letter provides 320' of legibility and 6.4 second PRT at the 35 mph speed limit for 86<sup>th</sup> Street. Additionally, the average person can comprehend 4 words having 5 letters (spaces count as letters) within 4 seconds, which together with a 2.5-second PRT to the message would allow a driver adequate time to read and react to a 20 letters of copy.

"Country Financial" contains 17 letters, i.e. equates to the 4-word maximum that can be comprehended within the available time. Depending on the font, 8" letters for 17 letters of copy requires 4.2 to 5 square feet of copy area, which could be accommodated within the 6.1 square feet of copy area allowed by the Sign Ordinance if individually mounted letters were used (the building provides the background for individual letters, so larger copy is possible within any given amount of sign area—see next paragraph).

When a cabinet sign is used as in this situation, additional sign area is necessary to provide background, with copy recommended not exceed 60% of the total area and preferably not more than 40%. Applying the maximum 60% and preferred 40% ratios, 7 to 8 square feet of copy area or 10.4 to 12.5 square feet of copy area are necessary to display "Country Financial" with 8" high letters on a cabinet sign.

Therefore, it appears that the Sign Ordinance may not create a hardship since "Country Financial" could be displayed with 8" high individually mounted letters and thereby provide adequate identification.

Signs formed from individually-mounted letters in general are more expensive than cabinet signs. Individually-mounted letters are required for wall signs within a substantial percentage of the City, but not within Omega Place. If the Board finds the added cost of individual letters to be a hardship created by the Ordinance, then a variance to allow a cabinet sign with an area of not more than 12.5 square feet may be justified to allow display of "Country Financial" with 8" letters and with copy not exceeding the preferred 40% of the total sign area.

The additional copy that is proposed, i.e. "Jon Augspurger" and phone number, adds an additional 26 letters of copy and at least 5 "words" to comprehend (mixture of letters and numbers increases minimum comprehension time) and therefore is detrimental to arguments to justify increased sign size due to legibility needs. Conversely, if "Country Financial" is not well-known in the area OR if there are a significant number of agents representing their products and services, the agent's name may provide very significant/important identification although such identification generally will be subordinate to the company identification in terms of company requirements.

3. The intent of the Ordinance is to limit the number and size of signs to eliminate unnecessary competition and clutter, protect public safety, and other purposes while providing each business with an adequate and equitable means of identifying itself. It does not appear that the variance grants an unfair advantage to the property. As noted in the prior paragraphs (all of #2), sufficient size to provide adequate legibility and comprehension appears to be within the spirit and intent of the Ordinance, i.e. the Ordinance creates a hardship if sufficient sign area is not permitted in order to provide adequate legibility.

Likewise, excess size generally increases the amount of copy and/or legibility distance, therefore placing a given sign in competition with more copy and more businesses, thereby reducing overall sign comprehension for all businesses within a given corridor segment and also reducing safety through increased competition for attention with traffic hazards and traffic control signs.

It appears that the proposed sign is not excessive in size with respect to the 86<sup>th</sup> Street or Douglas Parkway corridors, i.e. the proposed copy/sign size appears to provide adequate visibility does not unreasonably extend its visibility/legibility to result in added competition with other signs/businesses. It may be excessive with respect to other conforming signs within the Omega Place complex, being almost equivalent in area to that allowed for a business occupying 4 condominium units (@6.1 square feet/unit, 4 units would be allowed 24.4 square feet of sign area).

4. One reasonable alternative to the variance may be to configure the sign from individual letters rather than the proposed cabinet sign, which appears to allow "Country Financial" to be displayed within the permitted 6.1 square feet of copy area, although such sign area would not accommodate the oval that may be a significant trademark/logo identifier nor the agent's name. Another alternative might be to approve a lesser variance, depending on the Board's findings.

Therefore, the Board could find that the property is not unique; no hardship exists; the proposed

variance could be detrimental to health, safety and welfare; that the spirit and intent of the Ordinance has not been satisfied; that a reasonable alternative exists; and that the requested variance should be denied. Or, the Board could find that subject property is unique; hardship has been created by the Ordinance; the proposed variance does not create a negative impact upon the character of the neighborhood, and the spirit and intent of the Ordinance have been satisfied; health, safety, and welfare have been preserved; no reasonable alternative to the variance exists; and that the requested variance be approved.

Mr. Franklin said Staff recommends approval of a variance of 14 square feet of wall sign area in addition to the 6 square feet allowed by Section 4.1 of the Sign Ordinance, to erect a 20-square foot wall sign as proposed, subject to such variance being limited only to "Country Financial's" current sign/logo design and the current agent, and to NOT run with the property or otherwise be transferable.

Mr. Muselman asked do we have a picture of a sign other than that of Country Financial?

Mr. Franklin said there were some additional signs that Mr. Augspurgen did submit and we can show those for you on the overhead camera here.

Mr. Muselman asked do you know how far setback from 86<sup>th</sup> Street they are actually? I can picture it in my mind, but....

Mr. Franklin said I was going to guess somewhere in the neighborhood of just over 100 feet. This is generally going to be 60 feet from edge of parking space here to edge of parking space there. So that gives you a little bit of a dimension to work with there. So if that's 60, you could probably say it's at least another 20 out here to the curb. So you're looking at 80. It's definitely going to be somewhere in the neighborhood of 100 to 110 feet, something like that.

Mr. Franklin said here is a picture for State Farm. Again, I don't know what sizes these would be. Presumably these would all be compliant. This is the Osby Insurance sign, and again part of this is going to be how big is their office space? This is the sign that was discussed that was taken down, permitted and then put back up. Here is a sign for Farmer's Insurance. There is a logo here and then the word "Farmers" runs out to about right there, and that's beside Mr. Augspurgen's space. Then one other photo is of a smaller sign above the door for that space.

Mr. Wandro asked can you go back to that previous sign picture? What's the sign below it?

Mr. Franklin said that is Mr. Augspurgen's current sign. It's just sitting on the ground there in front of the office. Several of the interior units of the development have signage on the door which is allowed and then they might also have a small sign above. It does seem to be the exterior units that have frontage on 86<sup>th</sup> and on Douglas that are the bigger signs.

Mr. Kirchner asked can you give us an idea of rationale behind that disparity between "C-O" and other zoning districts? And why?

Mr. Franklin said from what I understand in brief conversations that Mr. Dekker and I have had, part of why that decision was made years ago by Council was the thinking that there would be a directory

sign, or a monument sign, that would identify the particular development as a whole. And there is such a sign here, located right here at the intersection, that does say "Omega Place". So that would be the initial signage to help you find the buildings in question, and then once you got back into the development itself, the smaller signs would be used to help identify the actual offices.

Mr. Pittman said the Farmer's Insurance sign and the Osby Insurance signs, they have two units. The applicant has one. So they have twice the space that the applicant does. The signage that he spoke of on the corner is correct. But there is also, over in the middle of the complex, a monument type sign that identifies everybody in the complex by their unit number, and there is a map to show them where it is located. That's been there and up ever since I've been there in 1989, and it gets updated not frequent enough, but it does get updated.

Mr. Augspurger said that is true with Farmer's and then with Osby Insurance, that they have double the square footage, but I physically measured their sign and their sign is over 28 square feet and Osby's sign is 30 square feet. With the current ordinance, they would be allowed 12 square feet of signage. Also I did measure Mr. Pittman's sign and he would even be over the ordinance, as well, because his sign is 14 square feet. He would be allowed 12 square feet under the Ordinance. Plus in addition to his 14-square foot sign that faces 86<sup>th</sup>, on the other side of the building, he has a smaller sign. So there are several signs in the Omega Place that seem to be over the ordinance. We're just hoping that you'll agree with the City Staff's recommendation to allow us to do that. Plus, I'd like to add too that because Country isn't very well known and they don't do a lot of advertising in Iowa, and Farmer's is so much more well-known, with a 6-square foot sign right next to Farmer's, I'm going to really get overpowered, I think, in that area. We just really need your help in granting this variance, not to mention the extra cost of purchasing another sign that's going to cost well over \$1,000 because it's custom-made and Country's sign that I purchased for \$850 was mass-produced. And Country's sign that we bought through a national vendor, that's the smallest sign they make, a 2 by 10. So it's going to create quite a financial hardship for is buying a third sign to fit the variance, because I already had another sign at my old location on Justin Drive in Urbandale that was well over 35 square feet, but I knew that wouldn't come close to fitting on the fascia board, so I ordered a new lighted sign. And I did do my best in trying to do my due diligence in following the rules. So, that's about it.

Mr. Kirchner said I'm particularly swayed by the fact that he worked with the City first and there's that misunderstanding there. I think that he acted based upon reliance of City staff, whether there was a miscommunication or not. I think that's a compelling issue.

Mr. Wandro said I agree.

Ms. Evans said I agree.

Mr. Wandro moved, and it was seconded by Muselman, to approve the Country Financial Wall Sign Variance, based upon the fact that the property is unique, hardship has been created by the ordinance and the proposed variance does not create a negative impact on the character of the neighborhood, subject to Staff recommendation that it be unique to the current occupant and not run with the property or be otherwise transferable. On roll call; Ayes: Wandro, Muselman, Evans, Kirchner; Nays: none. Passes: none. Motion carried.

The next item on the agenda was the "Goodwill Industries Wall Sign Variance", 4520 NW Urbandale

Drive, case no. 011-2008-01.23.

Mr. Marlyn McKeen, president of Goodwill Industries Central Iowa, 9326 Hickory Drive, Urbandale, said we just built the new store, opened up September 25, and it's off to a good start and good success. The variance that we're requesting is because, basically, we want more visibility from the north, like if you were driving from Target, that way, you would know where Goodwill is. A little bit about how we're unique in regards to donations, if we didn't have any donations, we wouldn't be able to keep the store open. It also provides employment and training for people who have disabilities, so we are a little bit unique in that respect. We have 5000 square feet to receive and process donations, 10,000 square feet for sales. So we're just trying to think, in regards to visibility, if you're coming from Target, you think "oh, that's where Goodwill is, that's where I can take my donations" or take my donations and also shop. So that's what we need, basically, the visibility from the north. One of the alternatives that they referenced was a monument sign on NW Urbandale Drive. If you were coming from the east by Polk County Bank, I think you already can see the Goodwill sign and logo, so the monument would be more visible, but we don't need two signs on that street. And part of your comments made on this report, I would agree with, that the variance does not create a negative impact on the character of the neighborhood and the health, safety and welfare has been preserved. If the Board were to grant this, it would be our first choice and would be great. Another alternative might be if you say no, would you consider the Goodwill logo on the end, because that's a brand identity. When you see the smiling "G" logo, you say "oh yep, that's Goodwill". So we would prefer the logo and Goodwill, that's our first choice. But if you were to deny that, would you consider then just to put the Goodwill logo on the end, so that when you're coming from the Target, from the north, you see that's where Goodwill is, I know where they are, because we've had great support so far, but we just want to continue to have people know where we're at, to fulfill our mission, to employ individuals. That is all the comments I have. Do you have any questions of me?

Mr. Wandro asked I'd be curious to know if you have either had people dropping things off or customers purchasing, that have had any trouble finding you? I mean, you were somewhat obscure where you were at, behind Hy-Vee.

Mr. McKeen said it was somewhat of a nightmare, when our donation drop-off spot was behind Hy-Vee. Response so far has been good. But this is just to make it better, and that's why we're making that request. When we first were doing the sign, we thought we wanted to put a sign on that end, too, so you could identify us from the north. At that time, we were told we couldn't because of some of the ordinance issues. It would just help us be more successful.

Mr. Kirchner said your position is that the monument sign wouldn't create that additional visibility you're looking for?

Mr. McKeen said if you're coming from the east, like on Meredith there, when you get close to that intersection, you're going to see our Goodwill logo, and the "Goodwill" word, so it would just be overkill on NW Urbandale Drive to have another sign there.

Mr. Kirchner said I didn't see anything about the alternative that you suggested, about just including the logo on the north end of the building. Are you basically amending your application for a variance, at this point?

Mr. McKeen said yes, that was after I got this information yesterday, hearing what the recommendation was going to be, so then that was a new idea. So I thought well, the Goodwill logo, for brand identity, would be an alternative to that. So that was kind of a new thought after this was filed.

There was no one present who wished to speak in opposition.

Mr. Franklin said the action required on this item is to approve or deny a variance from Section 4.1 of the Sign Ordinance to allow a wall sign to be erected on a non-frontage side of the building.

This is a request by Mr. Marlyn McKeen, Goodwill Industries of Central Iowa, for a variance to allow a wall sign to be erected on the north wall of the building, which does not front on a public street as required by the Sign Ordinance. The proposed sign has an area of 95 square feet, consisting of 36" high channel letters and a 48" high logo. The "sign band" where the wall sign would be located is approximately 19 feet above grade (measured to the top of the sign). The sign would be placed on the north wall of the canopy for donation drop-offs, on the north end of the building. The building is a 15,000 square foot facility containing 10,000 square feet of retail floor area in the southern two-thirds of the building, and 5,000 square feet of warehouse space in the north one-third, and was completed earlier this year. Goodwill Industries acquired the property September 24, 2008.

The Sign Ordinance does not allow a wall sign to be displayed on any building frontage (wall) other than that wall for which the sign was earned by that frontage (wall). This property has frontage on only NW Urbandale Drive, and accordingly a wall sign is allowed only on the east wall of this building, facing NW Urbandale Drive. Goodwill currently has a 95-square foot sign on the east wall along NW Urbandale Drive, which is larger than shown on the previously approved permit application, and is also located in a different location than approved (was proposed to be located over the entry). The building has 150 feet of frontage on NW Urbandale Drive.

The property has a total area of 2.25 acres and 431.27 feet of frontage on NW Urbandale Drive. The property is zoned "C-G" General Commercial District with conditions, as are the properties to the west and north which remain vacant at this time. The properties adjoining to the south and east are zoned "M-1" Light Industrial District. The property to the east includes the Polk County Bank and a vacant parcel. There is business park development to the south.

On January 9, 2008, the Board approved a variance to allow the construction of 12 of the required 75 spaces to be deferred until some future date, subject to construction of said parking spaces if the Zoning Administrator finds a parking shortage to exist or if Goodwill vacates the property or significantly alters its operations on the property.

The appeal states that the variance is needed to provide identification to southbound traffic on NW Urbandale Drive before it goes through the Meredith Drive intersection, and that such identification is essential to the store's success.

Mr. Franklin said Staff analysis is as follows:

5. The property does not appear to be unique. This is a new development that was established under the ordinances and regulations as they currently exist.

6. Sign identification is necessary to allow clients to locate a business. The Ordinance may create a hardship by prohibiting signs from being located on non-frontage walls IF other wall and free-standing signs allowed by the Ordinance will not provide business identification that is reasonably similar to that provided for other properties. The Ordinance does not appear to create a hardship as a monument sign is a permitted sign that would have high visibility along NW Urbandale Drive.
7. It is not the intent of the Ordinance to increase sign competition, which may occur by allowing a sign to be placed on the north wall of the building, oriented towards Meredith Drive. The size of this proposed sign and its location appear to be oriented at least as much to traffic on Meredith Drive as to traffic on NW Urbandale Drive, and accordingly to increase sign competition in the Meredith Drive corridor. The top of the proposed sign will be approximately 19 feet above grade, the channel letters will be 36" tall and the overall copy will be 95 square feet, too large when compared to a monument sign, which is a permitted sign for this location. Therefore, the proposed variance does not appear to comply with the spirit and intent of the Ordinance.
8. It appears that the erection of a monument sign along NW Urbandale Drive as allowed by the Sign Ordinance is a reasonable alternative to the variance.

Therefore, the Board could find that the property is not unique; no hardship exists; the proposed variance could be detrimental to health, safety and welfare; that the spirit and intent of the Ordinance has not been satisfied; that a reasonable alternative exists; and that the requested variance should be denied. Or, the Board could find that subject property is unique; hardship has been created by the Ordinance; the proposed variance does not create a negative impact upon the character of the neighborhood, and the spirit and intent of the Ordinance have been satisfied; health, safety, and welfare have been preserved; no reasonable alternative to the variance exists; and that the requested variance be approved.

Mr. Franklin said Staff recommends DENIAL of a variance to allow a wall sign to be placed on the north non-frontage wall.

Mr. McKeen said if there does become a building built on that corner that blocks our view, we'll probably do a monument sign. But right now, we don't see that need.

Mr. Wandro asked what is your opposition to the monument sign, just out of curiosity?

Mr. McKeen said we think there's enough visibility coming from the east without it. That's the only opposition. We don't think we need two signs on the same street, facing the same direction.

Mr. Wandro said I may be ignorant, and I apologize if I am, but wouldn't a monument sign be perpendicular to the through direction of the roadway, to be effective? Or is it parallel?

Mr. McKeen said my understanding is that it would be parallel, but I'm not sure.

Mr. Franklin said it would really be whatever they would want to do. I would assume, in most instances, you would probably build the sign perpendicular to NW Urbandale Drive so that you could read it from the north and read it from the south.

Mr. Wandro said so you could read it going up and down the street.

Mr. McKeen said my thinking is that if you're coming from Target, from the bend where he was referencing, you could identify the Goodwill logo so you could see it from a distance. Almost if you just got off the interstate and started to drive by Target, you could identify it if you had that on the end of that canopy. That's my opinion.

Mr. Wandro said if this were to be denied, is there anything to prohibit him, if he chose to do so, to come back and apply for a monument sign, and not sacrifice a year, if they elected to do so?

Mr. Franklin said no. He could submit an application for a monument sign.

Ms. Evans moved, and it was seconded by Wandro, to deny the Goodwill Industries Wall Sign Variance, to allow additional north non-frontage wall signage, based on the fact that this property is not unique and no hardship has been established, and there is an alternative solution of erecting a monument sign. On roll call; Ayes: Evans, Wandro, Muselman, Kirchner; Nays: none. Passes: none. Motion for denial carried.

The next item on the agenda was the Automotive Service and Maintenance Conditional Use Permit, 7425 Douglas Avenue, case no. 011-2008-02.10.

Mr. Mike Simonson, Simonson and Associates Architects, 2420 128<sup>th</sup> Street, Urbandale, said the building, for all practical purposes, is an abandoned service station. What the applicant would like to do is simply like to do is open this building up again for automotive repair as had been done in this building before it closed. There are several things to the site Staff has asked for that we are in agreement with and it should be noted that we are in agreement with all of Staff's comments. But it might be helpful for you to understand the property. Because it is an older property, as is often the case, it's paved almost property line to property line. So a couple of the things that Staff has asked us to do is close this curb cut, this being Douglas and this being 74<sup>th</sup>, because there is another existing curb cut here, which is shared with Long John Silver's. So that curb cut would be removed and sodded. Staff is asking that this 10-foot sliver of ground be dedicated to the City for future widening of Douglas, and we're fine with that. In addition to that, then, Staff would also like this area, which is currently paved, to be green space. So that we have a green space between the new right-of-way, whenever the City would take that, and provide additional green space in that portion. Staff has also requested that across the back of the building, fortunately there are some very nice, tall coniferous trees. There are a couple of Russian Olives. They would like those Olives to be removed and then interspersed with additional coniferous trees. Furthermore, Staff would like, in the event that there might be a vehicle here for repair, and all of these vehicles are operating vehicles, they would not be abandoned vehicles or that type of thing, but staff was concerned about cars being parked outside. The user does park the cars inside the bays. If there are a couple of extra cars, staff wanted a cedar fence added here and here, connecting to this existing fence in the back, so that any vehicle store overnight could be out of public view. And fortunately we're able to accommodate that and still meet the current requirements for buffering. In fact, this site would meet the buffering requirements if it were new, coming before you. So that would occur in that particular area. Other than that, that's it in a nutshell. We're here to request that we can continue to use the building as it was, with the exception that there would be no fuel.

Mr. Kurt Long, 7414 Madison Avenue, said I live directly behind this property. The question I have are what are the hours of business going to be? Because I've lived there for almost 20 years and I know that impact wrenches can make a lot of noise if they go late. So I'm curious as to the hours of business?

Mr. Simonson said the anticipated hours of operation are 8:00 a.m. to 8:00 p.m. Monday through Saturday. This operator does have a facility at Merle Hay and Douglas at the hard corner. If you were to drive by there today, you'd see that it is a very neat, orderly store. But those would be the hours of operation.

Mr. Long said one other question I have, there is a privacy fence in behind there. That was Bob's, he had put that up. And that's probably not in the best of shape. Is that part of yours to keep up, besides the cedar fence?

Mr. Simonson said absolutely.

Mr. Long said so that would be kept up then?

Mr. Simonson said yes.

There was no one else who wished to speak in opposition.

Mr. Franklin said the action required on this item is to approve or deny a Conditional Use Permit to allow the property to be used for automotive service and maintenance.

This is an application by Mr. Michael Simonson, Simonson and Associates, on behalf of Mr. Greg Robinson, property owner for a Conditional Use Permit to allow the property to be used for automotive service and maintenance. There is a former automotive service station located on the property that would be converted and expanded for the proposed automotive service and maintenance use. According to the Polk County Auditor's web site, the existing building was constructed in 1969 (with subsequent minor additions and renovations, most-recently in 1997) and Mr. Robinson has owned the property since 1981. The existing building has 1,952 square feet of floor area.

The property is zoned "C-N" Neighborhood Convenience District. Automotive service and maintenance is a conditional use in the "C-N" District, which is Section 3.72 of the Zoning Ordinance, as follows:

"Gasoline service stations, muffler installation and other routine maintenance, tire dealers, retail sale of gas and oil, filling stations, and car washes subject to the requirements of Section 5."

The property has a total area of 0.49 acre. It has 165.3 feet of frontage on Douglas Avenue and 143.82 feet of frontage on 75<sup>th</sup> Street. The property currently is accessed from two locations on Douglas Avenue and one location on 75<sup>th</sup> Street, however the western access on Douglas Avenue will be removed per the recommendation of the City Engineer. Access is limited by the Performance

Standards of the "C-N" District, as follows:

"Lots directly abutting arterial streets shall not exceed one drive access onto each such arterial street except as provided below. Common drives between adjacent landowners shall be encouraged in lieu of individual drives, recommended to be located with the common property line as the centerline of the drive and required to be located a minimum of 40 feet from any other drive as measured from centerline to centerline. Where such common drive is provided and joint access easements to parking areas are provided, required parking spaces on each lot may be reduced in number by up to 5 percent.

One additional drive access may be permitted a lot with continuous frontage in excess of 300 feet, or two additional drive accesses for continuous frontage in excess of 600 feet, if proper spacing is provided. The City Council may authorize additional drives in any case upon finding such access will not create congestion or traffic hazards."

There are single-family residences adjoining to the north (rear), zoned "R-1S" Suburban Density Single Family District. The properties adjoining to the east, south, and southwest are zoned "C-N" Neighborhood Convenience District and consist of a fast-food restaurant, retail/office building currently occupied by a martial arts business, restaurant, and drinking place. The property to the west is zoned "P.U.D." Planned Unit Development District and governed by the "Cedar Ridge" P.U.D. Master Plan, and consists of retail and office commercial development.

Mr. Franklin said Staff analysis is as follows:

1. Standards, all of which must be met prior to approval of a Conditional Use Permit, are as follows:
  - (a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
  - (b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood;
  - (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
  - (d) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
  - (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
  - (f) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified as provided in Section 6.
  - (g) That the proposed use shall be consistent with the Comprehensive Plan. Conditions such as

landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational controls, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Board upon finding that these are necessary to fulfill the purpose and intent of this Ordinance.

2. The development is required to comply with the Zoning and Site Planning Ordinances, which control access, storage, landscape setbacks and buffer yards, refuse collection, etc. Such compliance will ensure that traffic is minimized and that the development will not impede the normal and ordinary development of the surrounding properties for the uses permitted by the zoning, and that it will comply with all zoning regulations.
3. The location of the trash enclosure may be injurious to the adjoining residential condominiums since noise is not easily mitigated.
4. Lighting may create negative impacts on adjoining properties and nearby streets if not controlled. Lighting fixtures are readily available that are designed to control light spill and glare.
5. Discharges such as sand and oil also may create negative impacts on the sanitary sewer system. Sand and oil separators are readily available to remove those materials from the effluent stream.

Therefore, the Board could find that the proposed Conditional Use does not satisfy the standards required for approval of a Conditional Use, and that the request therefore must be denied. Or, the Board could find that with certain modifications and stipulations, that the proposed Conditional Use would not create a negative impact upon the character of the neighborhood, would satisfy the required standards and the intent of the Ordinance, and that the requested Conditional Use be approved subject to such modifications and stipulations.

Mr. Franklin said Staff recommends approval of the requested conditional use, subject to:

1. Reserve the southerly ten feet of the property for right-of-way acquisition.
2. Create 10-foot wide landscaped setbacks along both Douglas Avenue and 75<sup>th</sup> Street, in addition to the right-of-way reservation.
3. Eliminate the western access drive on Douglas Avenue.
4. Rehabilitate the buffer yard along the north property line, specifically including the removal of the existing Russian Olive tree and shrubs, and supplementing the existing 6 tall Junipers with additional spruce and fir trees.
5. Provide an enclosed area, screened by a solid wood fence a minimum of 6 feet tall, on the north side of the building where all vehicles that are not actively being repaired within the yard or building shall be temporarily stored.
6. Replace all existing site lighting, including "wal-packs" if any, with horizontally mounted luminaires with cut-offs to prevent light spill onto adjoining properties. Wal-packs also shall include a shroud or otherwise shield the bulb to prevent glare.
7. Provide sand and oil separation if required by the Urbandale Sanitary Sewer District or City Engineer.

Mr. Kirchner said I have a question based upon the report. Staff's recommendation or suggestion is that the Board could find that the conditional use wouldn't create a negative impact on the character of the neighborhood, or would satisfy the required standards and intent of the ordinance. Aren't those variance considerations as opposed to conditional use items that you would base a conditional use upon?

Mr. Franklin said yes, they are items to consider for a variance, but they are also relevant and appropriate to include in the items to consider for a CUP, which are those items, in item #1, A through G. And essentially if it meets all of those criteria, it's something that should be approved.

Mr. Wandro said I think you mentioned this in your presentation, but you're familiar with the 7 recommendations from Staff as conditions of granting this?

Mr. Simonson said yes, we're in support of that.

Mr. Wandro said impact lights, and all of that?

Mr. Simonson said yes.

Mr. Muselman moved, and it was seconded by Evans, to approve the Automotive Service and Maintenance Conditional Use Permit, subject to the Staff recommendations and based on the proposed conditional use would not create a negative impact upon the character of the neighborhood and it does satisfy the required standards and intent of the ordinance. On roll call; Ayes: Muselman, Evans, Wandro, Kirchner; Nays: none. Passes: none. Motion carried.

Regarding Staff reports, Mr. Franklin said I have nothing to add. I'm not aware of anything pending, but I haven't looked real close so I don't know if we have anything coming or not.

The meeting adjourned at 7:00 p.m.