

**STAFF ANALYSIS**

**STAFF PERSON:** Rebecca Ragsdale, Principal Planner  
**BOARD OF SUPERVISORS:** July 3, 2019  
**PROJECT:** Oakleigh Building Permit # B2019-01105-S  
**TAX MAP PARCELS:** 04500-00-00-026A3 and 04500-00-00-026A4

**Special Exception to Modify Freestanding Sign Regulations for Oakleigh Entrance Sign**

**Proposal**

County Code § 18-4.15.10 requires a 5' setback for freestanding signs. According to County Code § 18-4.15.16, the setback must be measured from a property line or the edge of easement in the case of an access easement.

The applicant proposes a monument sign to be located along the shared property line of the two parcels within the development that front on Rio Road. The sign would also be located within the private street easement for Nichols Court.

The applicant requests a special exception to the sign regulations of County Code § 18-4.15.10 to waive the 5' required setback for the Oakleigh entrance sign. This would allow a 0' setback along the shared property line of tax map parcels 04500-00-00-026A4 and TMP 04500-00-00-026A3 and allow the sign to be located in an access easement. The proposal is as indicated below and in the Applicant's request provided as Attachment B.

**ANALYSIS OF SPECIAL EXCEPTION REQUEST:** Requests for modifications must be reviewed under the criteria established in County Code § 18-33.49(B), taking into consideration the factors, standards, criteria and findings for each request; however, no specific finding is required in support of a decision. Under County Code § [18-8.2\(b\)](#), the Applicant can request a modification of County Code § 18-4.15 (the Sign Ordinance). Any modification must meet the findings listed in County Code § 18-8.2 of the Planned Development Ordinance as well as meet the purpose and intent of the Sign Ordinance under County Code § 18-4.15. The applicant has addressed these findings in detail in their request. Staff has analyzed this application against the criteria of County Code § 18-8.2(b)(3).

***(i) to be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of section 8;***

In County Code § 18-8, the intent of Planned Development Districts is to provide for variety and flexibility in design necessary to achieve the goals and objectives set forth in the comprehensive plan. The various goals are intended to promote: economical and efficient land use through unified development; improved levels of amenities; appropriate and harmonious physical development; creative design; and a better environment than generally realized through conventional district regulations.

***(ii) to be consistent with planned development design principles;***

The purpose of planned developments is to promote variety and flexibility in design allowing for a unified site design. Allowing one monument sign at the entrance, which is common among planned developments, unifies signage for the site.

***(iii) that the waiver or modification would not adversely affect the public health, safety and welfare; and***

The proposed location has been reviewed by the County Engineer along with other agencies. There is no objection or concern regarding public safety with the location of the sign provided that a 3' clear zone must be maintained around the base of the sign.

***(iv) in the case of a requested modification, that the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification.***

The regulation is met to an equal degree. The proposed signage results in only one free standing sign where two freestanding signs could be located on each parcel. Given required landscaping, utilities, and sight distance requirements across the two front parcels, it could be difficult to locate a sign that meets the required 5' setback and provides effective visibility to motorists.

**The purpose and intent of the Sign Ordinance is described in County Code § 18-4.15.1:**

The purpose and intent of the Sign Ordinance is to protect against the unregulated erection and display of signs that may be detrimental to public health safety and welfare by:

***1 & 2: Preserve free speech, and promote general health, safety and welfare, including the creation of an attractive and harmonious environment***

The increase in size and height for the two free standing signs does not detract from the harmonious environment.

***3: Protect the public investment in the creation, maintenance, safety and appearance of its streets, highways, and other areas open to the public***

Granting the special exception will not detract from the County's investments in its streets and highways. The proposed sign will be located within a private access easement. There are no identified adverse impacts on County's investments by approving the proposed signage.

***4: Improve vehicular and pedestrian safety by avoiding saturation and confusion in the field of vision and by directing and controlling vehicular traffic and pedestrians***

Given easements and sight distance requirements across the two front parcels, the proposed location of the sign will provide better visibility. Staff recommends conditions of approval the limit the number of signs to the one entrance sign.

***5: Protect and enhance the county's attractiveness to tourists and other visitors as sources of economic development***

Signage will help tourists and other first-time visitors who are not familiar with the location of businesses within Oakleigh. The ARB has reviewed the proposed sign and does not object.

***6: Protect property values***

The proposed additional signage will not have any identifiable adverse impact on adjacent property values.

### **Summary**

Staff supports the modification of sign setback from 5' to 0' for the entrance sign. This modification would allow one sign along the shared property line where otherwise multiple freestanding signs would be permitted. Staff finds that the proposal does not adversely impact any of the review criteria in the planned development regulations or the purpose and intent of the sign regulations as stated in the Zoning Ordinance.

### **Recommendation**

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exception to modify the freestanding sign regulations of County Code § 18-4.15.10 to increase freestanding sign area and increase sign height with the following conditions:

1. One freestanding sign up to 32 square feet shall be permitted on TMP 04500-00-00-026A4.
2. No freestanding sign shall be permitted on TMP 04500-00-00-026A3.
3. No subdivision signs shall be permitted on TMP 04500-00-00-026A4 or TMP 04500-00-00-026A3.
4. A three (3) foot clear zone is required from the face of the curb to any non-breakaway structures (i.e., the monument sign).