COMMUNITY PROJECT/ZONING

120190

Ordinance Number

Ordinance Fact Sheet

Case No. 254-S-273

Brief Title

| | Section 88-445-15-C Nonconforming Signs of the Zoning and nent Code |
|--------------------|---|
| GENERAL | LOCATION |
| City Wid | e |
| , | |
| | |
| PURPOS To provi | E de for the relocation of nonconforming signs in the public |
| The City | NN COMMISSION Plan Commission heard this case on June 5, 2012. The sion voted to deny the amendment to the development code. |
| CODE A | NALYSIS / REQUEST: |
| Chapter | mber 1, 2011 the City Council approved an amendment to 88 to allow for relocation of nonconforming signs in the public The amendment allowed for: |
| 1. 2. 3. | The nonconforming sign is on property owned or controlled by an entity having the power of eminent domain. Relocation of the existing billboard sign may not be more than 50 feet from the existing current site. In exchange for the non-conforming sign to be relocated, another billboard sign would have to be removed within the Broadway Bridge, Broadway Extension or US Highway 169 Corridor in the area of 5 th Street on the South and Briarcliff Parkway/Extension on the north, or within the I-35 Corridor between 12 th Street on the north and the state line on the south. The sign being moved cannot be upgraded, enlarged or improved in any respect. |
| | nan Ford has sponsored a new amendment to this same of the code to allow for the following additional options: |
| 1. | The nonconforming sign is on private property and an eminent domain action has been filed; |
| 2. | The relocation of the sign must be approved as part of and |
| 3. | must resolve the eminent domain action; The sign can be relocated up to 100 feet from the existing site and may not be enlarged or have electronic or digital |
| 4. | sign faces; One or more signs are to be removed which contains sign |
| 5. | faces at least the 75% of the sign being relocated. At least one of the signs is to be a minimum of 247 square feet. These signs can be located anywhere within the city limits of Kansas City; and, Illumination, including electronic or digital signfaces, may not be added to any nonconforming sign. Electrical permits may not be issued for any signface upgrade or replacement; |
| | provided, however that electrical permits may be issued for |

electrical repairs that do not constitute an upgrade to the sign, such as permits for relocating service lines or replacing

component parts.

Reason

| Positions/ | 'Recommend | lations |
|------------|------------|---------|
|------------|------------|---------|

| SPONSORS | Councilman Ed Ford (2 nd District) |
|--|--|
| AREA AFFECTED | Council District All districts School District |
| APPLICANTS/ PROPONENTS | |
| OPPONENTS | Groups or Individuals Basis of opposition |
| STAFF RECOMMENDATIONS | x For with condition Against Reason Against |
| BOARD OR COMMISSION RECOMMENDATION | City Plan Commission 06-05-12 Vote results 4-2 For: Archie, Macy Against: Baker-Hughes, Martin, May, VanZandt Absent: Krum. For X Against no action taken For, with revisions or conditions (see details column for conditions) |
| COUNCIL COMMITTEE ACTIONS | □ Do pass □ Do pass (as amended) □ Committee Sub. □ Without Recommendation □ Hold |

Details

Councilman Ford has made this request based on the City's need to improve NW Prairie View Road and the ultimate necessity to remove an existing billboard. The city will use its eminent domain powers to require the removal of the billboard. The billboard company has identified that they can move the billboard within 100 feet of the existing location. The billboard company has identified a billboard near the Power & Light District that is 247 square feet and multiple other 72 square feet billboards in the city. Please note this is merely an example of how this ordinance will work in the event this amendment is approved.

Staff is concerned that the square footage of billboards to be removed is 75% of the billboard to be relocated. We would prefer that the removal of billboards equal the billboard to be relocated. Our other concern is the desire to continually amend the code with respect to nonconforming signs and opening the door to unintended consequences. The benefit of this amendment is the removal of existing billboards in the city, although this amendment allows the billboard company to select billboards anywhere within the city limits. The question is whether allowing an existing, large billboard on an interstate highway to move in exchange for smaller billboards in random locations in the city is what we desire.

RECOMMENDATIONS:

Staff recommended APPROVAL of Case No 254-S-273 with the following change:

1. Section 88-445-15.C.4.d.2, shall read "more than one sign is to be removed and at least one of the signs to be removed contains sign faces that are at least 247 square feet in size, and the cumulative sign face square footage equals or exceeds the sign being relocated."

| Policy/Program Impact | | | | |
|--|-------------|--------|-------|------------------------|
| POLICY OR PROGRAM CHANGE | □ No | | Yes | |
| OPERATIONAL IMPACT ASSESSMENT | | | | |
| Finances | | | | |
| COST & REVENUE PROJECTIONS INCLUDING INDIRECT COSTS | ☐ No | | Yes | |
| OPERATIONAL IMPACT ASSESSMENT | | | | |
| FUND SOURCE(S) AND APPROPRIATION ACCOUNT CODES | | | | |
| | | | | |
| Is it good for the childre | :n? | | | |
| How will this contribute | to a sustai | inable | Kansa | s City? |
| Final CPC | | | | Revised Plans Received |
| | | | | |

| Plan Submitted | for CPC of | |
|----------------|------------|--|
| | | |

N/A

Projected Start Date Projected Completion or Occupancy Date

Fact Sheet Prepared by:

Diane Binckley, AICP, Manager, Development Management Division

Reviewed by:

Diane Binckley, AICP, Manager, Development Management Division

Reference or Case Numbers: Case No. 254-S-273

Date:

June 08, 2012

Date:

June 08, 2012