

ORDINANCE NO. _____

AN ORDINANCE GRANTING A WAIVER OF SECTION 14.14 OF ORDINANCE NO. 7697 TO ALLOW A ROOF SIGN IN A C6 MIXED USE COMMERCIAL DISTRICT FOR CERTAIN REAL PROPERTY LOCATED AT 418 E. BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was duly made by Mr. David Hamilton of Seiz Sign Company, 1231 Central Avenue, Hot Springs, Arkansas 71901, seeking a waiver of Section 14.14 of the Zoning Ordinance for property located at 418 E. Broadway to allow a roof sign over a patio area facing Cypress Street for the proposed Starbucks in a C6 Mixed Use Commercial District (see letter of request attached hereto as Exhibit A); and

WHEREAS, the request has not been reviewed by the Planning Commission, and the applicant is seeking approval from the North Little Rock City Council; and

WHEREAS, a sign was placed on the property and proper notice has been given to property owners within 200 feet of the subject location; and

WHEREAS, a legal advertisement of notice of a public hearing to be held September 14, 2020 at 6:00 p.m. has been placed in the newspaper.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the following section of Ordinance No. 7697 (the previous zoning ordinance) is hereby waived for the 418 E. Broadway, more particularly described as Lot AR, Block 17 of the Argenta Addition to the City of North Little Rock, Pulaski County, Arkansas (see maps attached hereto as Exhibit B) to allow the roof sign over the patio area facing Cypress Street:

Section 14.14 – Prohibited Signs and Sales Promotion Devices

The following type signs are prohibited in all districts unless otherwise noted:

G. Roof Signs

SECTION 2: That all ordinances or parts of ordinance in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: It is hereby found and determined that the electric fence as described herein is compatible with other businesses in the area and that the waiver is immediately necessary in order to insure the proper and orderly growth and development of this land and of the City of North Little Rock, Arkansas, and being necessary for the immediate preservation of the public health, safety and welfare, THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

ATTEST:

Linda Robinson

Council Member Linda Robinson *by AF* Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED <u>10:50</u> A.M. _____ P.M.
By <u>Amy Fields, CA</u>
DATE <u>9/8/20</u>
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas
RECEIVED BY <u>[Signature]</u>



August 21, 2020

**The Honorable Joe Smith
Mayor of North Little Rock
City Hall
300 Main Street
North Little Rock, AR 72119**

**Re: Request to City Council for September 14, 2020 Hearing
Starbucks 61252
418 E. Broadway Street
Sign Permit PB 2020-0907**

Dear Mayor Smith and North Little Rock Council Members:

Our company, Seiz Sign Company, is the installer of the signs for the new Starbucks location referenced above. For purposes of this Variance Request Letter and in connection with a sign permit request, we are serving as agent for Starbucks, Hilton Displays (the national manufacturer of Starbucks signs) and the landlord. We would like to thank the Honorable Linda Robinson for sponsoring this request to the City Council.

Background Information

Starbucks is developing a new location at the corner of Broadway and Cypress Streets, adjacent to the Simmons Bank Arena. The new Starbucks location will be replacing the old Exxon gas station and will be a great addition to the area with a new well designed and aesthetically pleasing building and site. Starbucks will also be a significant employer for the community and substantial generator of sales tax revenue for the state, county, and city.

The front of the Starbucks will face towards Cypress Street, which is the East Elevation. Two signs are currently planned for the building. One sign is the round Siren logo, utilized by Starbucks at every location. The other planned sign is a set of channel letters mounted on the canopy. The canopy mounted letters are 16" tall and 12'10" in length and state the business name (STARBUCKS) in the trademark specified font. The faces of the letters are white and they are illuminated with white LEDs.

Both signs were approved and the permit referenced above was issued. Some confusion has occurred subsequently. One of two things apparently occurred. Either the permit office did not

notice that the drawings showed the canopy mounted letters were freestanding in the sign drawings or our technician caused confusion because there were only 4 choices to check on the "total value" section of the sign permit application (wall sign, freestanding sign, monument sign, or LED sign) and he checked wall sign, thinking it was the closest fit for purposes of stating the value of the sign. Nevertheless, we accept responsibility for the communication problem and are, therefore, seeking City Council approval for the sign that displays the Starbucks name at this new location.

Hardship

Variance requests to the Sign Board require a letter of Hardship. Since this request is to the City Council, we will provide the same type of information and analysis that is required in the Letter of Hardship. A Letter of Hardship has two requirements. The first requirement is an explanation of the hardship experienced by the applicant and the second requirement is why the applicant is seeking variance. These explanations are interrelated in this situation.

Starbucks operates throughout our nation. Consequently, the company deals with literally hundreds of city sign codes. They, along with their national sign manufacturer, have attempted to design a sign package that is small in overall square footage, pleasing in design, effective at conveying their brand and logo, and importantly, acceptable under almost any sign code around the country. A lot of study and consideration has been invested in developing the Starbucks sign package.

This design also affects the building wiring plans, subsequent service issues if there is a lighting malfunction and a host of other factors. In addition, in reliance upon the permit issued, Hilton Displays has begun the manufacturing and fabrication of the signage package for this location.

The applicant is seeking a variance for the following reasons:

1. The applicant has made a good faith effort to comply with the Sign Code.
2. The applicant has relied upon the previously issued permit.
3. Canopy signs are allowed. The code specifically allows "under canopy" signs in Section 14.25 (A) (4) (b) but is silent regarding "over or on top of canopy" signs. There is no principled reason for a distinction between signs mounted "under" a canopy as opposed to "on top of" the canopy.
4. The proposed sign is not a prohibited roof sign. The code defines roof signs as "any sign erected over or on the roof of a building". The proposed sign is neither on the building nor on the roof of the building. The code recognizes canopies as a distinct physical structure separate from the building.
5. There is no health or safety reason to deny the proposed signage.

Conclusion and Request

Starbucks requests that the channel letter sign on the East Elevation mounted on top of the canopy be approved for a sign permit under either of the following two reasons:

1. The Sign is a permissible Canopy Sign under the North Little Rock Sign Code or
2. The Sign is worthy of a variance to allow Starbucks to place their name on the site, the signage does not violate any square footage sign code requirements, and the signage will not detract from the appearance of the site or neighborhood.

Please call if you have any questions.

Sincerely,



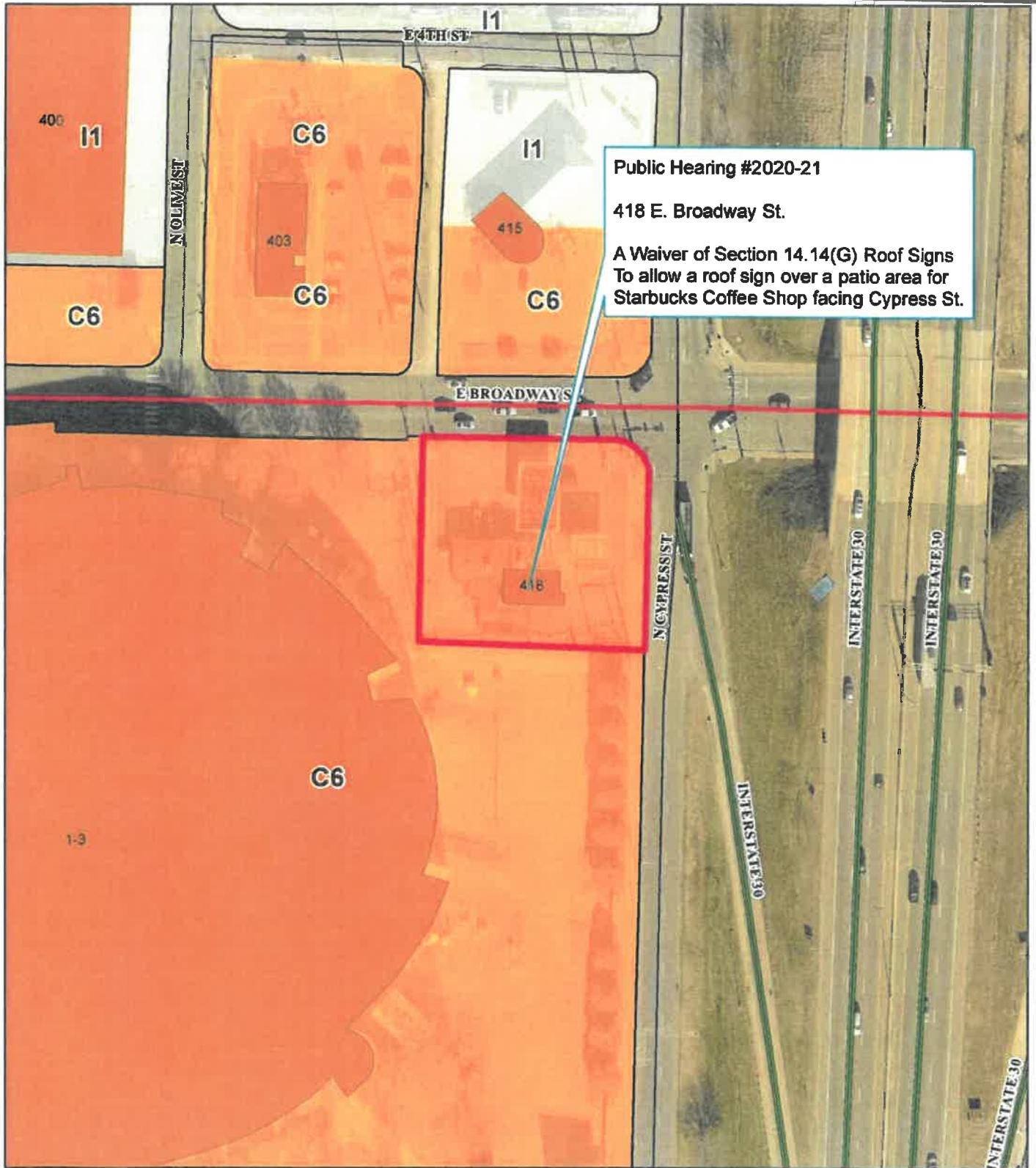
David Hamilton

Cc David Rodatz, Hilton Displays
davidrodatz@hiltondisplays.com

The Honorable Linda Robinson
lrobinson@nlr.ar.gov

Public Hearing Case # 2020-21

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EXHIBIT
B



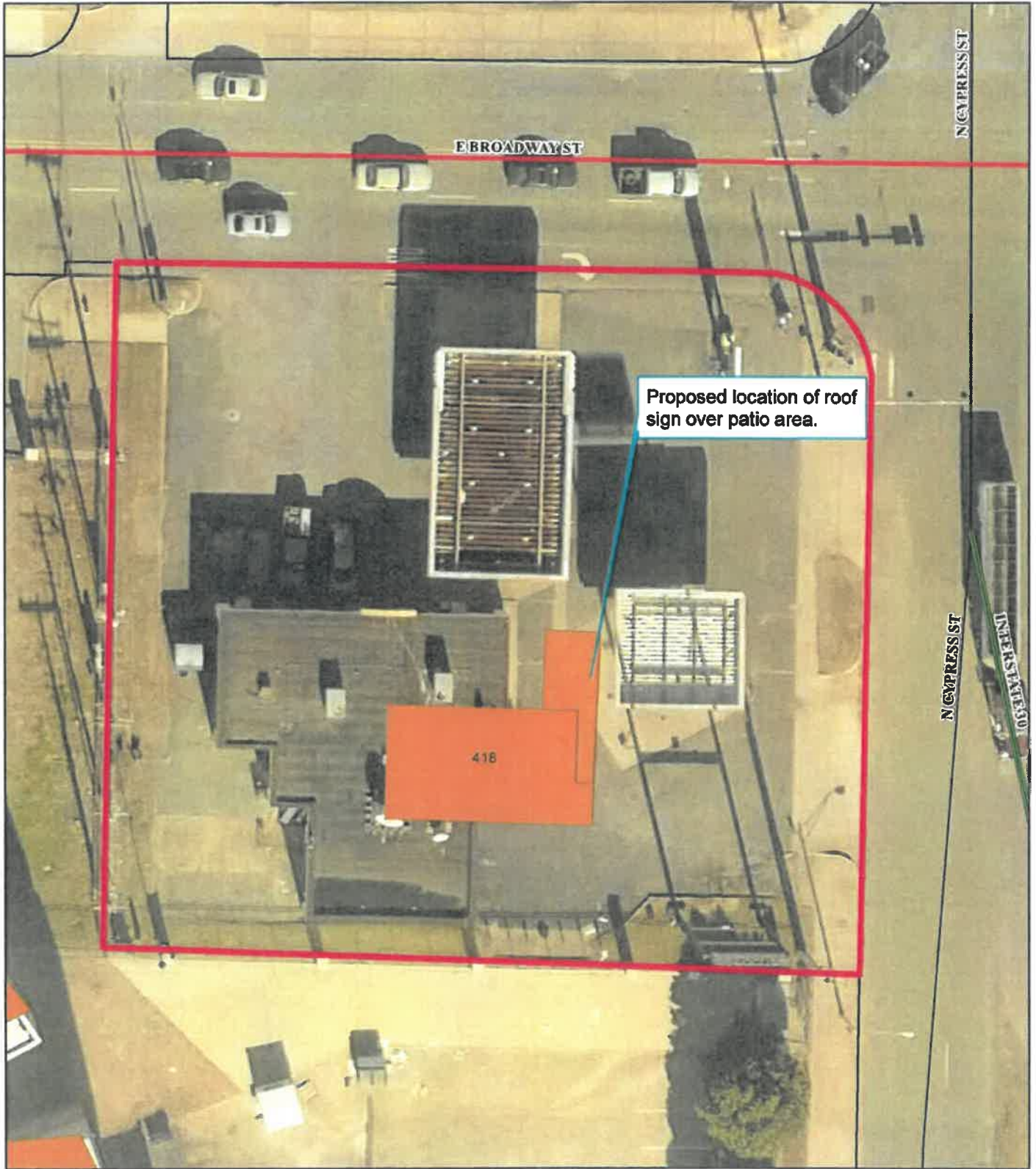
Zoning Map

1 inch = 100 feet



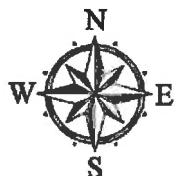
Date: 8/25/2020

Public Hearing Case # 2020-21

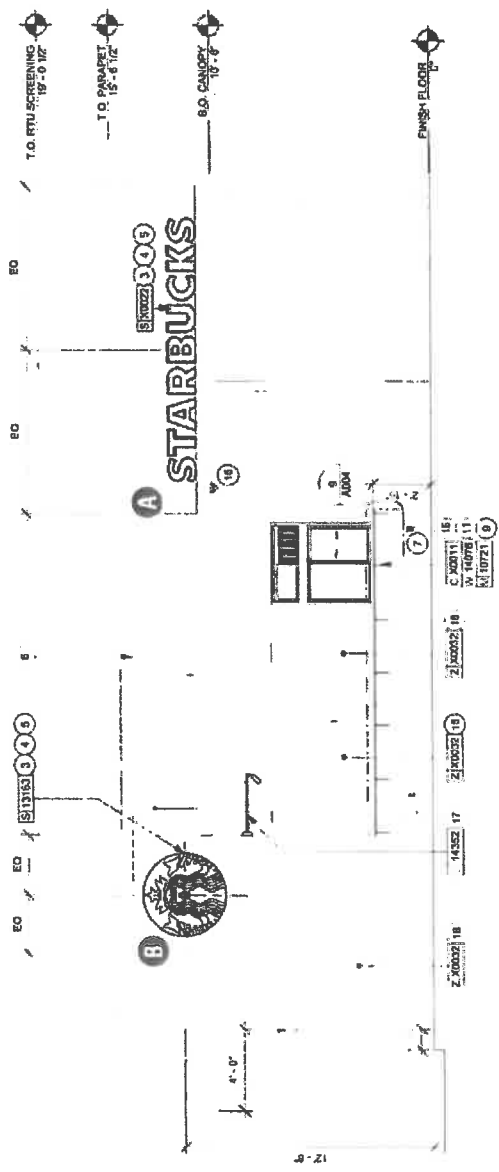


Ortho Map

1 inch = 30 feet



Date: 8/25/2020



1 EAST ELEVATION
Scale: 1/8" = 1'