



## Legislation Text

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**File #:** CPC AP 17-00104, **Version:** 2

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An appeal of the Planning Commission decision to deny the appeal of a Notice and Order to Abate a sign code violation at 1624 North Academy Boulevard.

(Quasi-Judicial)

**Presenter:**

Kurt Schmitt, Sign Specialist

Meggan Herington, Assistant Director, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

**Summary:**

Applicant: Kit Jacobson, AIM, Inc.

Owner: 1512 Academy, LLC

Location: 1624 North Academy Boulevard

This is a request to appeal to the City Council the decision of the City Planning Commission to deny the appeal of the Notice and Order to abate the sign code violation issued to the owner of 1624 North Academy Boulevard. The Notice and Order was issued for violations of multiple non-compliant temporary banner signs where temporary signs are prohibited in a commercial shopping center with electronic message center signs. City Code Section 7.4.409(B)(3)(g), Additional Criteria for Major Sign Types reads: "Temporary signage shall be prohibited on any property that has an approved Electronic Message Center".

The property is zoned PBC (Planned Business Center) and is located between the north and south-bound Academy Boulevard corridor, south of La Salle Street and north of Palmer Park Boulevard within the Polo Center.

**Previous Council Action:**

There are no previous council actions.

**Background:**

On June 14, 2017, an inspection was performed at 1624 North Academy Boulevard (within the Polo Center). The specific tenant, Aim, Inc., was cited to have multiple temporary banner signs displayed on the north, east and west elevations of the building.

Polo Center has an Electronic Message Center sign which was previously approved by the City. Per City Code Section 7.4.409(B)(3)(g), commercial centers or properties that incorporate an Electronic Message Center are prohibited to display temporary signs, such as banners, inflatables or A frames. An Electronic Message Center (or EMC) is defined as:

A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

On June 23, 2017 a Notice and Order to abate was issued to the tenant at 1624 North Academy Boulevard by standard mail service and to the property owner, 1512 Academy LLC, by certified mail. Per this Notice and Order the property was found to be in violation of City Code Section 7.4.409(B)(3)(g) and advised to abate the violations on the property by removing all temporary banners.

During the period between July 6th through July 11th 2017 correspondence was established with the business manager of Aim Inc., the tenant with the temporary sign violation, through a series of phone messages, emails and phone conversations. Details of the violation were discussed. Staff explained to the tenant the regulations related to the display of banners at a commercial center where an EMC is displayed. Staff recommended options for allowable signage; one being that the tenant utilize the existing windows on the north, east and west tenant frontages for temporary signs until they are able to properly permit permanent signage.

Aim Inc. currently has a total of fifteen temporary banners; five banners per building elevation (side) with a total combined area of 996 square feet. Under standard code, in circumstances where banners would be permitted when no EMC is established, the criteria would allow up to 242.25 square feet of temporary banner signage combined for this tenant space. Therefore the tenant does not meet any code requirements for temporary signage; three times more temporary signage is displayed than is allowed per any section of the sign code.

The tenant, AIM, INC. appealed the Notice and Order to the City Planning Commission and a hearing was held on August 17th. City Planning Commission voted unanimously to uphold the notice and order for the tenant to remove the illegal signage.

When permitted in City Code, temporary banners are permitted for a maximum of 90 days. As of the date of the City Council hearing, the 996 square feet of illegal banners have been displayed for 104 days.

The full history of the Notice and Order along with Code provisions is detailed in the attached City Planning Commission staff report.

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

At their meeting on August 17, 2017 the City Planning Commission, as part of their new business calendar, voted 5-0, with four commissioners absent, to deny the appeal and uphold the notice and order. Please reference the minutes from the hearing for a detailed record.

**Stakeholder Process:**

No stakeholder process was required. The Notice and Order to abate the sign code violation was issued to the property owner as a result of a site inspection that took place on June 20, 2017. The site was recorded to be in violation of the city sign code and photos were taken of multiple banners on the north, east and west elevations that were not in compliance. The banners in question related

to a specific tenant within the multi-tenant commercial center. The site was posted and noticed for the public hearings.

**Alternatives:**

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Grant the appeal and reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

**Proposed Motion:**

CPC AP 17-00104 - APPEAL OF NOTICE AND ORDER TO ABATE SIGN CODE VIOLATION  
Deny the appeal and uphold the Notice and Order to Abate sign code violation issued at 1624 North Academy Boulevard, based on the finding that the appellants have not substantiated that the appeal satisfies the review criteria to overturn the Planning Commission decision as outlined in City Code Section 7.5.906(A)(4).