CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, MARCH 22, 2018
CITY HALL CONFERENCE ROOM – 229 MAIN STREET – 5:30 P.M.

Present: Blake Hewitt, James Shelley, Travis Donnelly, Catherine Dingle, Davis Inabnit
Absent: George Ulrich, Charles Byrd
Staff: Jessica Hucks, Zoning Officer
Others: Ed Wilson

I. CALL TO ORDER

Vice Chairman Hewitt called the meeting to order at 5:32 p.m. as Chairman Dannelly was not yet present due to traffic.

II. APPROVAL OF FEBRUARY 22, 2018 MINUTES

Inabnit made a motion, seconded by Dingle, to approve the February 22, 2018 minutes as written. The vote in favor was unanimous. The motion carried.

III. VARIANCE REQUESTS

A. 2709 Church Street (Walmart): Ed Wilson of LK Architecture (applicant), agent for Wall Conway, LLC, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Section 11.3, Sign Regulations by Zoning District – Table 11.1 and Section 11.4 – Wall Signs, for proposed wall signage on the building located at 2709 Church Street (TMS: 122-00-05-155 / PIN: 33700000031).

Hucks went over the 4 criteria that needed to be met for the Board to be able to grant a variance, which included if exceptional or extraordinary conditions for this property, that the exceptional or extraordinary conditions pertain only to this property, the granting of a variance would not harm adjacent properties, the character of the area or the public good, and that the variance is because of an hardship and not to increase the profitability of the property.

Hucks said Walmart is renovating their Conway store, and adding a pickup service to their facility. Part of the renovation includes replacing their current wall signs, as well as adding signage to identify existing service and the pickup service. The different wall signs identify the business as well as the entry points for the variance parts and/or services of the business.
Hucks said the property is zoned HC, and per Section 11.3.1, Table 11.1: Sign Standards by District, the total number of signs allowed in the HC zoning district is four and the max sign area permitted is 200 sq. ft.

Hucks said Per Section 11.4.1 – Wall Signs, such signs must be located on a building face that has a public entrance. Only one wall sign per side of a façade per tenant will be allowed. A second wall sign will be allowed on another façade if the building is located on a corner lot or if there is a second public entrance. The maximum number of wall signs permitted is two per tenant space. In addition, the maximum size of one wall sign is 100 sq. ft. or 15% of the building face where the sign is attached, whichever is less.

Hucks said Walmart’s current wall signs significantly exceed the max square footage allowed, however the signs and building were constructed and installed prior to the adoption of the current ordinance and are considered legal nonconforming. Per Article 12, Section 12.1.6 (Nonconforming Signs) of the UDO, subsection A, in cases where signs exist as nonconforming uses on property and/or exceed the total allowable sign area, no addition signs shall be permitted for an establishment. Per 12.1.6 (D), Nonconforming business or identification signs shall be allowed to continue provided as follows: (2) Signs which are nonconforming with respect to location of number permitted shall not be altered in any way except to make such sign comply with the provisions of this article.

Hucks said Walmart’s total current sign area for all wall signs is 551.18 sq. ft. Total proposed wall signage is 643.07 sq. ft. (per applicant’s submission – staff calculated 643.18 sq. ft.). Total number of wall signs proposed is 12 (+10 more than allowed).

**Signs to be “replaced”:**
- Walmart (front): 299.04 sq. ft.
- Home & Pharmacy (front left entrance): 95.06 sq. ft.
- Grocery (front right entrance): 41.12 sq. ft.
- Lawn & Garden (front left): 58.49 sq. ft.
- Auto Center (in auto center): 30.74 sq. ft.
- Tire (2 bays at auto center): 2.59 (ea.); 5.18 sq. ft. (total)
- Lube (2 bays at auto center): 2.94 (ea.); 5.88 sq. ft. (total)

**New signs (in addition to):**
- Pickup (front right): 65.57 sq. ft.
- Vision Center (front center): 8.55 sq. ft.
- Auto Center (front left top): 33.55 sq. ft.
Variance(s) requested:

UDO Section:
11.3.1 – Sign Regulations by Zoning District; Table 11.1 – Sign Standards by District
11.4.1, Wall Signs (A) Location & Number Permitted and (B) Size

Requirement:
(11.3.1; Table 11.1): Total number of signs allowed (in HC): 4 per tenant space
(11.3.1; Table 11.1): Max cumulative sign area per tenant space (in HC): 200 sq. ft.
(11.1.4 (A)): Only one wall sign per side of a façade per tenant will be allowed. The max number of wall signs permitted is two per tenant space.
(11.1.4 (B)): Wall signs may be a max of 100 sq. ft. or 15% of the building face where the sign is attached, whichever is less.

Proposed:
- 12 signs total (10 more than allowed)
- Cumulative sign area proposed (wall signs only): 643.18 sq. ft.
- Walmart (primary sign): total sign area proposed: 299.04 sq. ft. (+199 sq. ft. more than allowed per wall sign)

Hucks provided the applicant’s reasons for which a variance should be granted, per their application:

1. This is a large property with multiple entrances to difference services: Grocery, Home & Pharmacy, Lawn & Garden, Auto Center (location and services), Vision Center, Pick-up Location. The building sets back from the 45 mph roadway a significant distance (700+ feet) and signs provide public direction.
2. The various entrances to the business are specific to what individuals are shopping for and provide visibility when entering the parking for the property. The proposed front wall signage covers approx. 4.1% of the building as opposed to 10-25% on a smaller street front tenant building.
3. The size restriction would make it difficult to read and locate the specific business name and entry locations provided for the various services included within the facility due to the setback from the access highway/street.
4. The variance will have no additional impact on the character of the area and will provide better public good by providing easy to see directional information for public using the business (knowing where to enter the building for what they need).
5. If the signage is not provided as requested, it will provoke a hardship on the public wishing to take advantage of the businesses provided by the facility.

Hewitt asked the applicant if he wished to address the Board. Wilson said he would like to. He said they saw themselves as a large facility with multiple entrances set back from a busy highway. There are multiple functions within the center, i.e., the groceries, the auto center, pharmacy, lawn and garden. It would be a hardship to the customer if they could not find the department they wanted especially driving by with the building so far back from the highway.

Dannelly asked what the distance was from the road. Wilson said it was 700 + ft. Dannelly asked how far from the road Big Lots was. Hucks said +/- 400 ft.
Inabnit said he thought some of the signage was on the rear of the building, like for the auto center. He asked if that made a difference. Hucks said there was a maximum sign area allowed in the Highway Commercial zoning district is 200 sq. ft. The main sign, the Walmart sign, already exceeded 100 sq. ft. All of the signage, including the auto center, already exceeded the limit but was considered legal nonconforming. She said they would be putting back what they were taking down and adding a few more signs. Shelley confirmed whether it was legal non-conforming already. Hucks said that was correct.

Inabnit asked Wilson if this would be similar to other Walmart's nationwide. Wilson said the signs were already redone in Myrtle Beach.

Dannelly made a motion, seconded by Inabnit, to approve the request based on the four (4) criteria because it was already legal non-conforming, a precedent had already been set in regard to the distance from the road for a previous variance request, and the signage changes were mandated by Walmart's corporate offices.

IV. PUBLIC INPUT

There was none.

V. BOARD INPUT

There was none.

VI. STAFF INPUT

There was none.

VII. ADJOURN

There being no further business to come before the Board, Dannelly made a motion, seconded by Dingle, to adjourn. The vote in favor was unanimous. The motion carried. The meeting adjourned at 5:38 p.m.

Approved and signed this 26th day of April, 2018.

[Signature]

For Blake Hewitt, Vice Chairman

[Signature]

R. Dannelly, Chairman