

## River Market Changes 2018

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Name: River Market Design Overlay District Revision (Sec. 36-350 through Sec. 36-367).

Location: An area generally bounded by Riverfront Park, Interstate 30, Second Street, and Cumberland Street.

Request: Revisions to the River Market Design Overlay District

Source: Staff and River Market Design Review Committee

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### ANALYSIS:

Staff initiated the process to revise the ordinance in 2016. The impetus of the revision was the remove all of the instances of the word “prohibited” from the ordinance. Additionally, Staff routinely keeps track of items that are possible ordinance amendments. This time was notably sandwich board and projecting signs. These were added and the Design Review committee added some additional ones. The changes are combined into five groups. They are editing the word “prohibited”, changes to internally lit signs, projecting sign changes, sandwich board sign changes and backfill topsoil requirements.

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- 1) Editing ten instances of the word “prohibited”. When the word “prohibited” is used in the ordinance, there is technically no way to approve a variance. It must go through a different longer process. When something is approved by the River Market DRC that is “prohibited”, for example internally illuminated signs, that item then must go to the Planning Commission and then to the Board of Directors for a Planned Development with the accompanying ordinance written to supersede the River Market DRC ordinance for only that location and only that particular sign. If the ordinance was rewritten to allow for a variance, it would be heard at the Board of Adjustment. The Board of Adjustment (BOA) meets monthly versus the Planning Commission/Board of Directors (PC/BOD) that combined take three months or so to hear a case. The applicant provides a lot less paperwork for a BOA application than a PC/BOD one. Ten instances of the word “prohibited” are proposed to be removed.

The instances are freestanding signs, internally illuminated signs in the “Signs in General” subsection, in the “Wall Signs” subsection, on signs that face the Arkansas River, and internally illuminated signs in the projecting signs section. Additional times the word “prohibited” is proposed to be removed is in the text of advertising copy on

signs; composition of sandwich boards; tacking of flyers, balloons and streamers on sandwich boards; back lit awnings; and chain link, barbed or razor wire fences.

The word “prohibited” remains in not allowing Physical or chemical treatments, such as sandblasting or high pressure water cleaning, that cause damage to historic materials. It also remains concerning additional curb cuts on President Clinton Ave. These two items were discussed but the Committee believes they should require the higher level of review of rezoning the property if one of these items were sought.

- 2) Proposed change of prohibition on internally lit signs. The Design Review Committee created an exception if the sign utilizes channel or channelume technology. This technology creates custom shaped signs instead of the cabinet or box sign that is standard. Signs may be the shapes of letters, logos, or other custom shapes. This is located in the “Signs in General” subsection and the “wall sign” subsection.
- 3) The projecting sign section has four proposed changes; one is to allow for the signs to be mounted higher on the building than before. Currently the top of the projecting sign cannot be higher than the bottom sill of the second floor window. The proposal is to change to the top sill of the second floor window or the ceiling of the second floor whichever, is less.

Also proposed is changing the distance from the building a projecting sign can be from three to four feet. The overall size has not changed. Another change proposed is to change the frequency of projecting signs from one every 100 feet of building to one every 50 feet. The last change proposed is to require businesses share mounting apparatus of projecting sign when sharing an entrance to a building to reduce clutter.

The current ordinance treats projecting signs on a first come first served on a per block basis. This will allow additional businesses the opportunity to have a projecting sign without an additional public hearings (Board of Adjustment). If businesses share a common entry to the street, for example, second floor offices, they would be required to share a mounting apparatus at the shared entrance door. This will help to eliminate projecting signs being too close together to render them unreadable.

- 4) The sandwich board sign section has six proposed changes; adding a definition, text to clarify intent, adding height to the signs, allowing plastic molded signs, eliminating signs that are trip hazards, and chalkboards and dry erase boards.

Proposing to add a definition of sandwich board signs. This did not appear anywhere in the ordinance. River Market DOD is the only district where sandwich boards are legally permitted. More additional text is being added to clarify intent of sandwich board signs in the district. This text under Sec, 36-353 (f) provides rationale for the use of the signs in the district and sets parameters. Additional height to sandwich board signs from thirty six inches to forty five inches is being sought to conform to industry standards of size. Allowing for molded plastic sandwich board sign as long as they are black in color will allow for ease or replacing worn or damaged signs. Light

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colored plastic signs are apt to be appear dirty and unkempt. Some design of sandwich board build in tripping hazards, notably those certain models that have feet (horizontal members that extend past the bottom of the sign. The last proposed change clarified chalkboards and dry erase boards on sandwich board signs. White dry erase boards are apt to present a grimy appearance.

- 5) In two places, the proposed changes edited the text on the tree planting strip backfill to allow for engineered soil to help prevent uneven settling of the brick pavers.
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PLANNING COMMISSION ACTION: (MARCH 8, 2018)

The item was approved on the consent agenda for deferral to the April 19, 2018 agenda by a vote of 9 ayes and 2 absent.

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STAFF RECOMMENDATION: (APRIL 19, 2018)

Staff recommends approval.

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PLANNING COMMISSION ACTION: (APRIL 19, 2018)

The item was approved on the consent agenda for deferral by a vote of 8 ayes and 3 absent.

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STAFF UPDATE:

On April 9, 2019, Planning Staff was informed that the trees along President Clinton Avenue were being planned to be replaced with a different species of trees. This change of tree species will require the ordinance to be revised. After meetings between the Parks and Recreation Staff, Planning and Development Staff, City Manager's office, and the River Market Design Review Committee, it was decided that it would be best to add the new tree species to the ordinance package and present one ordinance revision to the City Board of Directors. That species will be reviewed by the River Market Design Review Committee on June 12, 2018.

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STAFF RECOMMENDATION:

Deferral to the July 12, 2018 agenda.

PLANNING COMMISSION ACTION:

(MAY 31, 2018)

The item was approved on the Consent Agenda for deferral to the July 12, 2018 agenda by a vote of 9 ayes and 2 absent.

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STAFF UPDATE:

On June 12, 2018, The River Market Design Review Committee reviewed the street tree amendment at their regularly scheduled meeting. After a presentation by Parks and Recreation Staff, discussion between commissioners, and input from citizens, the DRC voted unanimously to approve the motion to replace all of the Autumn Blaze maples in the district with Gingko trees. The motion passed 5 ayes, 0 noes, and 0 absent.

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STAFF RECOMMENDATION:

Approval.

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PLANNING COMMISSION ACTION:

(JULY 12, 2018)

Brian Minyard, Staff, made a presentation to the Commission about the item. He also spoke of the process that was taken and notifications of property and business owners in the district. He stated that the River Market Design Review Committee had voted to approve all of the changes proposed.

Jo Melton, property owner in the district, spoke about the possibility of replacing only the diseased trees. She stated that the trees in the 300 block of President Clinton, where her property lies, are healthier than the other parts of the street and suggested that the trees not be replaced on the 300 block.

John Eckart, Director of Parks and Recreation, introduced Robbie Hudson, the Urban Forrester and Ernie Moix, a Horticulturalist, from his department. They spoke of the number of trees that were missing, those in bad health versus the total number of maple trees. They said that the Autumn Blaze Maple has proven not to be suitable as a street tree and should be replaced with a different type of tree. Mr. Hudson said that for the last twelve years, they have been wrapping the trunks of the trees in an effort to protect the trees, but the damage continues to occur and makes the trees structurally unsound. The proposed Gingko trees are a stronger tree.

Mr. Eckart said that the trees would be replaced overnight with less traffic congestion and minimal intrusion to the businesses.

Craig Berry, Chair, asked how many trees would be replaced at one time. The response was that it would be more cost effective to replace all 59 at the same time. Mr. Moix

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stated that the size and height of the replacement tree is dependent on the size of the four by four foot planting hole. Mr. Eckart said that it would be an adjustment for the first couple of year with the smaller trees, but the Gingkoes are a sustainable tree.

Commissioner Diane Thomas asked about the number of trees. Mr. Moix said that part of the number of trees in the original bid was for trees in the plaza areas. He said that 59 are on President Clinton Avenue.

Discussion continued about the aesthetics of having all trees replaced at the same time so that they will be a uniform height versus replacing the trees at different times resulting in different heights and two different species at one time on the street.

Commissioner Finney made a motion to approve the item and was seconded by Commissioner Bill May. The item passed with 8 ayes, 0 noes, and 3 absent.

Jo Melton spoke to the Commission in the Citizen Communication section of the hearing recommending that the City be aware of the public opinion of replacement of the trees and any possible bad press that could occur.