

**DOUGLAS CITY COUNCIL  
STAFF REPORT  
AUGUST 28, 2023**

**830 EAST RICHARDS STREET  
ELECTRONIC MESSAGE DISPLAY SIGN – CONDITIONAL USE PERMIT**

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**CASE NUMBER:** CUP 07-23

**PREPARED BY:** Heidi McCullough, Planning Technician

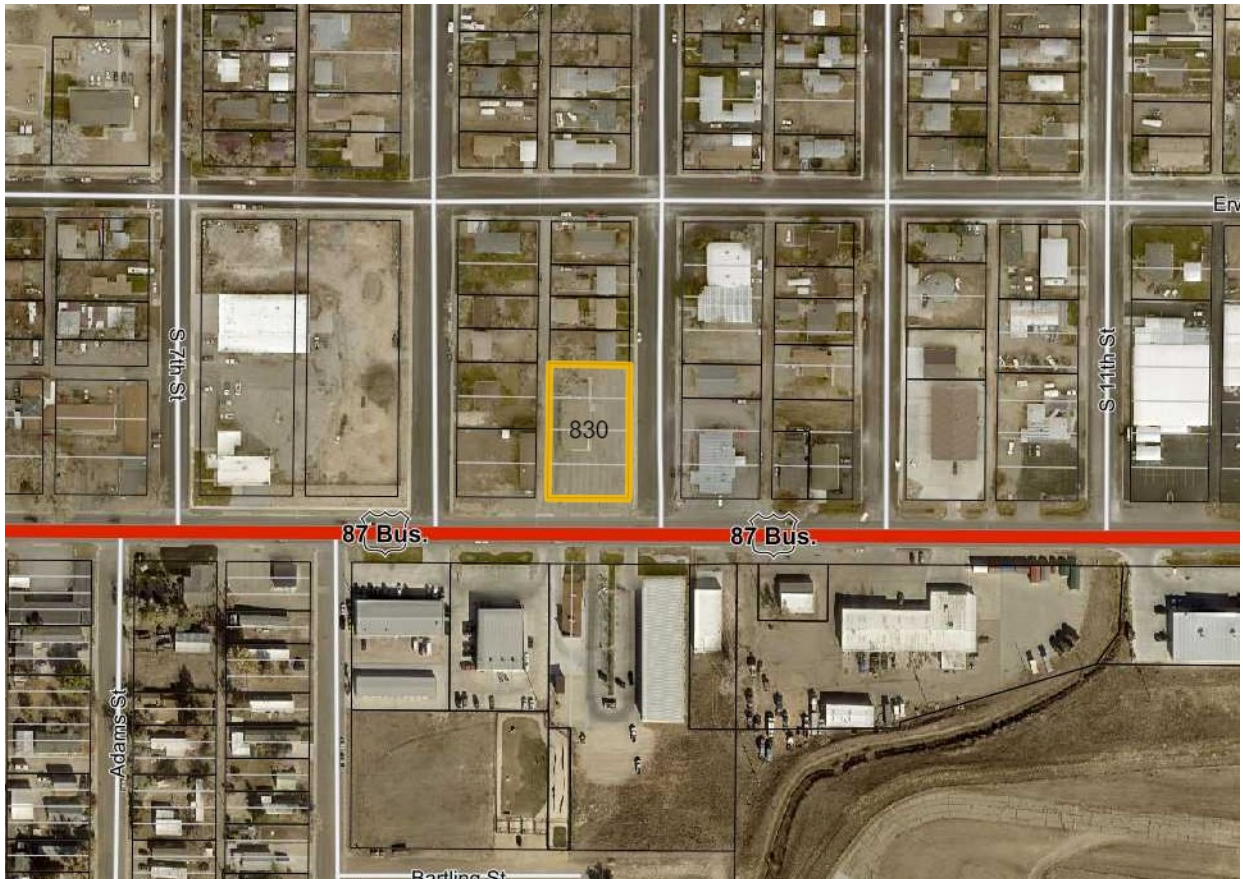
**MEETING DATES:** August 21, 2023 – Planning Commission  
August 28, 2023 – City Council

**REQUEST:** Conditional Use Permit, B-2 General Business Zone

**PURPOSE:** To install an electronic message display sign.

**RECOMMENDATION:** The Community Development Department recommends approval of this conditional use permit to allow for the installation of an electronic message board sign in a B-2 General Business zone at 830 East Richards Street with staff recommendations.

**VICINITY MAP:**



**OWNER:** James E. Menter  
P.O. Box 1051  
Douglas, WY 82633

**APPLICANT:** Douglas Seat Covers  
830 E. Richards Street Ste 2  
Douglas, WY 82633

**LOCATION:**

- (1) Legal Description: Pleasantview Addition, Block 12, Lots 5-8
- (2) General Location: The proposed site is located on the northwest corner of the intersection of Richards Street and South 9<sup>th</sup> Street.
- (3) Address: 830 East Richards Street, Douglas, WY

**SIZE:** 0.58 Acres

**ZONING:** B-2 General Business



**ZONING DATA:** The property is currently zoned B-2 General Business Zoning District. This district is “intended to provide for commercial uses that create a use intensity transition between residential neighborhoods and light industrial uses.”

Council approval of a conditional use permit for this type of sign is a requirement of the Unified Land Development Code, due to its possible impact on neighboring properties or as a distraction to vehicle traffic.

**EXISTING LAND USE:** Commercial

**PROPOSED USE:** Same

SURROUNDING LAND USE:	ZONING	ANNEXATION STATUS
<b>North:</b> Residential	R-1	City
<b>South:</b> Commercial Retail	B-2	City
<b>East:</b> Bar	B-2	City
<b>West:</b> Vacant Office Space	B-2	City

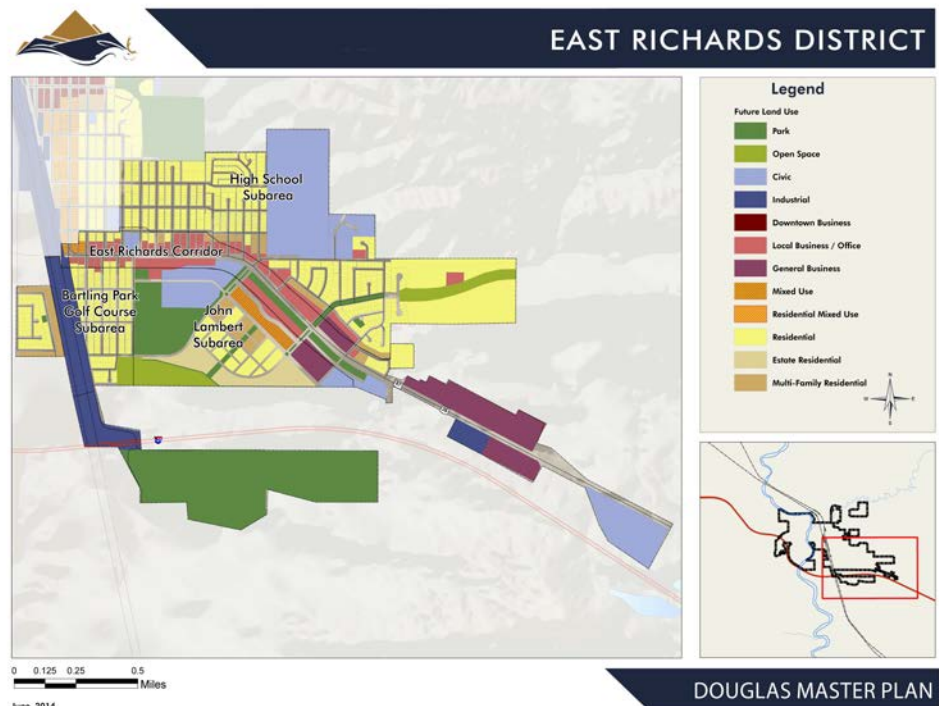
**DESCRIPTION OF SITE:** The property is leased to several different businesses; however, only one of the businesses will be using the proposed signage.

**2014 MASTER PLAN:**

The property is designated as part of East Richards Corridor Subarea of the East Richards District.

Per the Master Plan, this area “serves as the southern entryway to the Douglas. The area includes an eclectic mix of highway commercial, residential neighborhoods, civic uses, parks and large areas of vacant lands.”

The proposed use of this property conforms to the future land use designation.



**FY2023 STRATEGIC DOING:** Electronic message signs, outside of City use, are not referenced in the FY2023 Strategic Doing as Key Performance Indicator (KPI).

During public comment at the Planning and Zoning Commission meeting, the owner agreed to participate in the City’s program to coordinate messaging on all electronic signage. This program falls under the FY2023 Strategic Doing:

**Outcome:** Engaged & Informed Neighbors (EIN)

**Strategy:** Strategy #2: Increase volume and diversity of high-quality information shared with community.

**KPI:** EIN-02 Install electronic message displays and coordinate messaging with businesses.

**STAFF ANALYSIS:** The existing pole sign would be used to incorporate the new Electronic Message Display sign. The proposed message board must meet the conditions attached to signs of this type as defined by the Unified Land Development Code and enumerated in the staff recommendation, per written confirmation from the sign contractor.

There are several mitigating issues in the Douglas Municipal Code to consider in reviewing this application.

1. Total signage in a B-2 General Business Zone is limited to a maximum area of four hundred (400) square feet, unless otherwise allowed by the City Council. The proposed sign is approximately twenty-one (21) square feet.
2. Electronic Message displays are required to meet all of the conditions enumerated in the staff recommendation.

The proposed location of the message sign is on the southeast corner of the property on an existing nonconforming pole sign, providing good visibility to area pedestrian and vehicle traffic on East Richards.

The sign is not within the zone setbacks (10 feet from the property line); however, it is considered legally nonconforming as it predates the changes to the Municipal Code. The modification does not meet the definition of a “Substantial Alteration” and therefore can be approved.



**STAFF RECOMMENDATION:** The Community Development Department recommends approval of the request for a conditional use permit to allow the installation of an electronic message board sign at the subject property with the following conditions:

1. The sign may not exceed the proposed 21 square feet for the electronic message display.
2. Each message on an electronic message display shall be displayed for at least four (4) to eight (8) seconds.
3. The transition between messages display shall be instantaneous. Transitional effects shall be limited to instant (slideshow), fade, dissolve, circle out, diamond out, jaws, zoom, wipe left, wipe right, scroll, and travel.

4. The electronic message display shall be equipped with technology that automatically dims the electronic message displays according to ambient light conditions to a luminance or nighttime brightness level of up to five hundred (500) NIT, which will result in a reduction of display brightness between five (5) percent and twenty-five (25) percent, depending on the resolution of the sign. Documentation shall be provided from the sign manufacturer which verifies compliance with auto dimming and brightness requirements.
5. The electronic message display shall be equipped with the ability to be shut off within twenty-four (24) hours of malfunctioning. Signs under repair shall be shut off.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At their regular meeting on August 21, 2023, the commission recommended approval of the request for a conditional use permit to allow the installation of an electronic message board sign at the subject property with the following conditions:

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