

AGENDA
CITY OF THE COLONY, TEXAS
SIGN BOARD OF APPEALS
Wednesday, July 15, 2015

After determining that a quorum is present, the Sign Board of Appeals of the City of The Colony, Texas will convene into Regular Session which will be held on Wednesday, July 15, 2015 at 6:35 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items will be addressed:

1.0	CALL REGULAR SESSION TO ORDER
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2.0	ITEMS FOR CONSIDERATION
2.1	Election of Chair and Vice-Chair for the Board
2.2	Consider approval of the minutes of the regular session of the June 17, 2015 Sign Board of Appeals meeting.

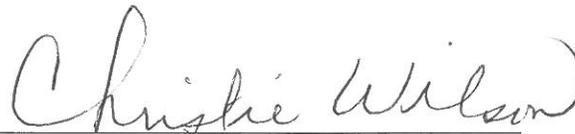
3.0	PUBLIC HEARING ITEM
3.1	<i>SBA15-0002, Dickey's Monument Sign Variance</i> Conduct a public hearing, discuss and consider a sign variance application for the Dickey's Barbecue Monument Sign located at 5745 SH 121 requesting variance from Sign Ordinance, Section 6-262 Permanent Signs, Subsection (c) Monument Signs – Multitenant Commercial Development.

“Pursuant to the Texas Open Meetings Act, Government Code Chapter 551, one or more of the above items may be considered in executive session closed to the public. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session.”

Persons with disabilities who plan to attend this meeting who may need auxiliary aids such as interpreters for persons who are deaf or hearing impaired, readers or, large print are requested to contact Christie Wilson, City Secretary, at 972-624-3106 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

CERTIFICATION

I hereby certify that above notice of meeting was posted outside the front door of City Hall by 5:00 PM on the 10th day of July 2015.



Christie Wilson, City Secretary



**MINUTES
CITY OF THE COLONY
SIGN BOARD OF APPEALS
Wednesday, June 17, 2015**

After determining that a quorum was present, the Sign Board of Appeals of the City of The Colony, Texas convened into Regular Session which was held on Wednesday, June 17, 2015 at 6:33 p.m. in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items were addressed:

Board Members Present: Gerald Odum; Constance Yahwak, Shawn Rockenbaugh and Joel Ortega.

Board Members Absent: Charles Tredo

Present from Staff: Mike Joyce, AICP, Planning Director; Surupa Sen, Senior Planner, Jeff Moore, City Attorney.

1.0	CALL REGULAR SESSION TO ORDER
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Vice-Chairman Odum called the meeting to order at 6:33 p.m.

2.0	ITEM FOR CONSIDERATION
2.1	Consider approval of the minutes of the regular session of the May 20, 2015 Sign Board of Appeals meeting.

Board Member Yahwak moved to approve the minutes as written, seconded by Board Member Ortega. The motion carried (4-0).

Being no further discussion, Vice-Chairman Odum adjourned the meeting at 6:34 p.m.

Gerald Odum, Vice-Chairman

Surupa Sen, Senior Planner

SIGN BOARD OF APPEALS STAFF REPORT

AGENDA DATE: July 15, 2015
DEPARTMENT: Engineering/Development Services Department
PLANNER: Surupa Sen, Senior Planner, 972-624-3164

SUBJECT: SBA15-0002 – Dickey’s Barbecue Monument Sign Variance

Conduct a public hearing, discuss, and consider a sign variance application for the Dickey’s Barbecue Monument Sign located at 5745 SH 121 requesting variance from Sign Ordinance, Section 6-262 Permanent Signs, Subsection (c) Monument Signs – Multitenant Commercial Development.

APPLICANT/OWNER:

Trevor Arterburn The Colony, Texas

REQUEST

The multi-tenant sign at the premises of 5745 SH 121 used to be a pylon sign of 20’ tall. As per The Colony Sign Ordinance, Pylon Signs can be upto 40’ tall. So the sign was in compliance. Recently however, the applicant, unaware of the height restrictions of different sign types, filled in the base of the pylon sign with brick. Unfortunately that transformed the pylon sign into a monument sign. As per The Colony Sign Ordinance, monument signs can only be 16 feet tall.

As a result the applicant is requesting a sign variance to Section 6-262 (c) “Monument Signs – Multi-Tenant Commercial Development.” This Section reads as follows:

(c) Monument Signs – Multi-Tenant Commercial Development	
Location	A monument sign shall not be placed within any visibility site triangle Minimum 5 feet setback from any non-residential property line Minimum 50 feet setback from any residential property line
Maximum Effective Sign Area	160 square feet
Base Size	The height of the base supporting a monument sign shall be at least 25% of the total sign height
Maximum Height	16 feet (creating a grade by berming or adding fill to increase the height of the sign is prohibited)
Materials	A monument sign shall have a base and exterior frames that feature the same material and color of the primary structure.
Spacing Between Signs	150 linear feet per premises
Lighting	Single-faced or double faces sign lighting is allowed. Lighting is permissible by black fluorescent or accent lighting No lighting shall shine or produce glare onto public streets or adjacent residential properties
Changeable Electronic Message/Reader	Maximum seventy five (75%) of the effective sign area

Board Component	Each message must be displayed a minimum of 10 seconds and must occur simultaneously on the entire electronic sign face If located along SH 121, FM 423 or other state highway, refer to TxDOT regulations where applicable
Permit	Required
Fee	Yes
Maximum Number of Signs	4 monument signs per multi-tenant commercial development



Section 6-263, Definitions, defines a “Monument Sign” as

“A sign permanently placed upon, or supported by the ground independent of the principal building or structure on the property.”

It also defines a “Pylon Sign” as

“A freestanding sign that has two (2) or more supports and is permanently affixed to the ground by such supports, but not having the appearance of a solid base.”

These two definitions clearly state that a Pylon Sign is not supposed to have a base like a Monument Sign. Once the applicant filled in the space between the two structural pillars he essentially converted the Pylon Sign into a Multi-Tenant Monument Sign.

This would require a variance to Section 6-262(c) “Monument Signs – Multi-Tenant Commercial Development,” from 16’ maximum height to allow 20’ height for the Monument Sign, allowing additional 4’.

FINDINGS

According to Section 6-256 of the Sign Ordinance in the Code of Ordinances, The Sign Board of Appeals may grant a variance if the following conditions exist:

1. That the request does not violate the intent of the ordinance.

The intent of the ordinance is to have new signs being constructed in the city be limited in size, be attractive and add to the beauty of the City while safely conveying their message to passing motorists. The sign in question is aesthetically pleasing and attractive. The Sign does not violate the intent of the ordinance.

2. That the granting of the variance on the specific property will not adversely affect the surrounding properties.

It is Staff's opinion that this request will not adversely affect the surrounding properties. It is a pre-existing sign and has been in the location for quite a few years.

3. That the variance, if granted, will not adversely affect public safety.

It is Staff's opinion that this request will not be a detriment to public safety since the sign in question is not located within any traffic visibility triangle, does not contain any flashing light or visual effect to distract motorists.

4. That there are special conditions which are unique to the applicant or property.

The sign has been in this location for some time at the same height and has not generated any issues. The extra height issues only developed after the base was created. So the change in sign type essentially made the height non-conforming. Otherwise the sign was in compliance since construction.

NOTIFICATION

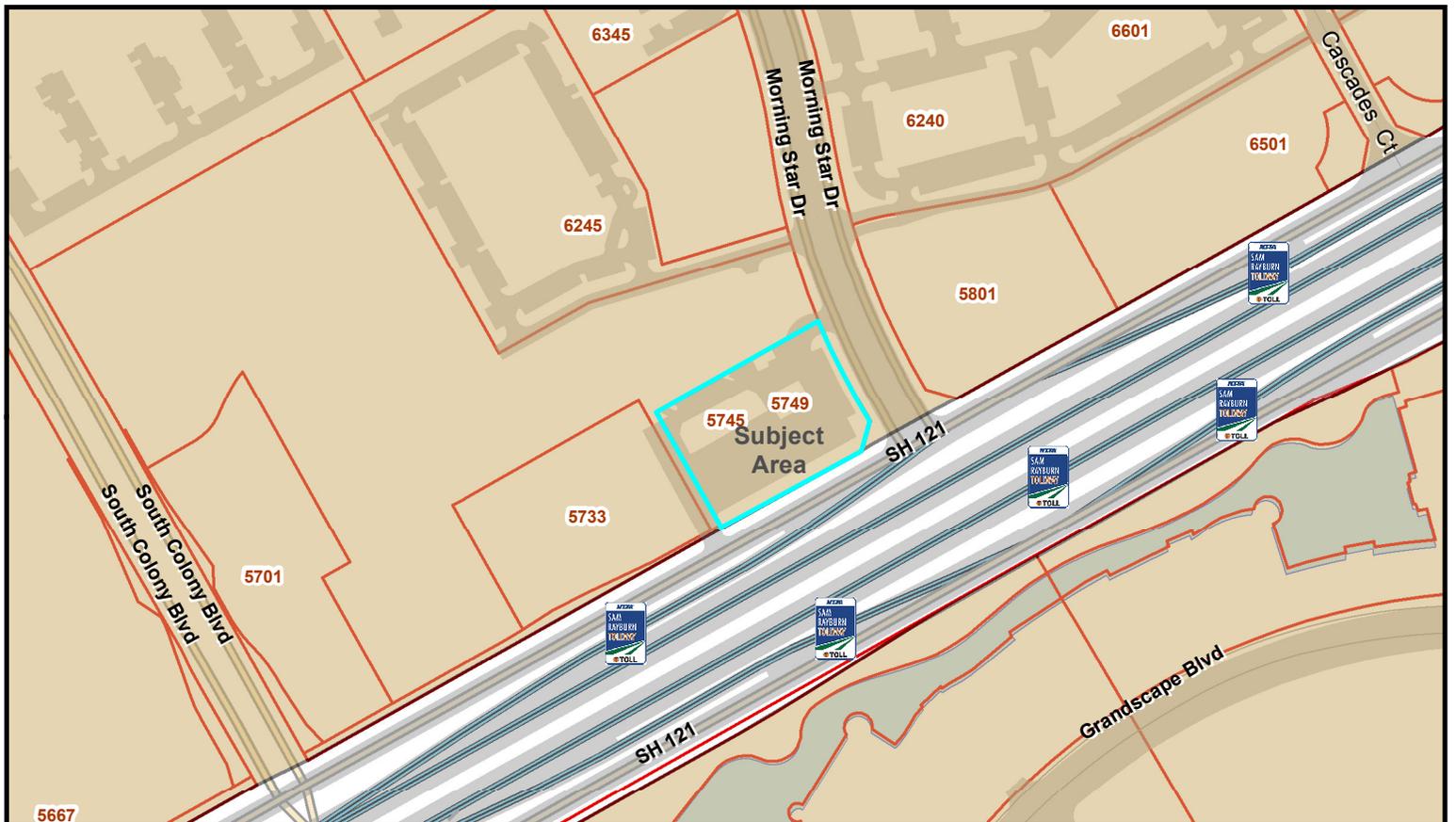
Board of Adjustment public hearings require newspaper notification a minimum of ten (10) days prior to the meeting date. A legal notice was published in the *NeighborsGo* on 7/3/15. No comments either for or against this request were received as of the printing of this packet.

RECOMMENDATION

Staff recommends approval of the requested variance.

ATTACHMENTS

1. Location Map
2. Sign Photos



Project No. SBA15-0002 - Project Name: Dickey's Monument Sign Variance

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|---------------|--------------------------|------------------|----------------------|------------------------|
| 5745 SH 121 | Business Park/Industrial | Heavy Commercial | Mobile Home | Planned Development |
| Agricultural | Duplex Dwelling | Industrial | Neighborhood Service | Shopping Center |
| Business Park | General Retail | Light Commercial | Office District 1 | Single Family Dwelling |

This map was generated by GIS data provided by The Colony GIS Department. The City of The Colony does not guarantee the correctness or accuracy of any features on this map. These digital products are for illustration purposes only and are not suitable for site-specific decision making.





04/14/2015 14:45



04/14/2015 14:46