



**AGENDA
CITY OF THE COLONY, TEXAS
SIGN BOARD OF APPEALS
WEDNESDAY, FEBRUARY 16, 2022
6:30 PM**

TO ALL INTERESTED PERSONS

Notice is hereby given of a **REGULAR SESSION** of the **SIGN BOARD OF APPEALS** of the City of The Colony, Texas to be held at **6:30 PM** on **WEDNESDAY, FEBRUARY 16, 2022**, at **CITY HALL, 6800 MAIN STREET, THE COLONY, TEXAS**, at which time the following items will be addressed:

1.0 CALL REGULAR SESSION TO ORDER

Citizen Input

2.0 CONSENT AGENDA

2.1 Consider approval of the minutes of the September 15, 2021 Regular Session.

3.0 PUBLIC HEARING ITEMS

3.1 SBA20-0001 – 3716 Standridge Drive Prohibited Sign Appeal

Conduct a public hearing, discuss and consider an appeal of an interpretation that the signage for “Operation Happenis” [sic] is a prohibited sign. **(Postponement by Applicant request to 2/16/2022)**

EXECUTIVE SESSION NOTICE

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, including but not limited to consultation with attorney pursuant to Texas Government Code Section 551.071 arising out of the attorney’s ethical duty to advise the city concerning legal issues arising from an agenda item. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session.

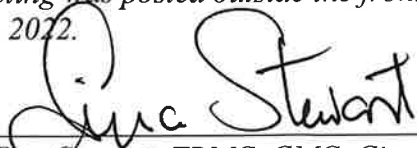
ADJOURNMENT

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 the City Secretary’s Office, at 972-624-3105 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 11th day of February, 2022.





Tina Stewart, TRMC, CMC, City Secretary

**MINUTES
CITY OF THE COLONY
SIGN BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 15, 2021**

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, September 15, 2021 at 6:31 p.m. in the City Council Chambers located at City Hall, 6800 Main Street, The Colony, Texas, at which time the following items were addressed:

Board Members Present: Constance Yahwak, Chairman; Dean Byers; and Jacob Evans Odum.

Board Members Absent: Gerald Odum, Joel Ortega

Staff Present: Isaac Williams, Development Services Manager; Ed Voss, City Attorney; Brian Mcnuelty, Engineering Technician.

1.0	<i>CALL REGULAR SESSION TO ORDER</i>
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Chair Yahwak called the Regular Session of the Sign Board of Appeals meeting to order at 6:31 p.m.

1.1	<i>CITIZEN INPUT</i>
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No citizen came forward for input. Citizen input was closed at 6:31 p.m.

2.0	<i>CONSENT AGENDA</i>
2.1	<i>Consider approval of the minutes of July 21, 2021 Regular Session.</i>

Chair Yahwak read Consent Agenda Item 2.1 into record.

Member Byers made a motion to approve Consent Agenda Item 2.1, seconded by Member Evans. The motion carried (3-0).

3.0	<i>PUBLIC HEARING ITEMS</i>
3.1	<i>SBA20-0001 – 3716 Standridge Drive Prohibited Sign Appeal</i> Conduct a public hearing, discuss and consider an appeal of an interpretation that the signage for “Operation Happenis” [sic] is a prohibited sign.

Chair Yahwak confirmed the public hearing remains open. This item was postponed to the December 15, 2021 public hearing.

3.2	<i>SBA21-0003 - 3905 SH 121 Variance Off-Premise LED Digital Sign</i> Conduct a public hearing, discuss and consider a variance from Chapter 6, Section 6-258 [Prohibited signs] to allow an off-premise LED digital sign [“Billboard”] at 3905 SH 121. The subject site is within the Business Park (BP) zoning district and the Gateway Overlay District.
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Mr. Williams presented the report including a review of the timeline, adding that the public hearing remained open.

Chair Yahwak asked for the location of signs along SH 121.

Mr. Williams responded.

Member Byers asked if the size differs from existing signs along SH 121.

Mr. Williams responded the same size.

Chair Yahwak opened the public hearing at 6:41 p.m.

Mr. Eric Turner, 6533 Valley View Lane, Dallas, Texas property owner and tenant at 3905 SH 121. Mr. Turner offered a statistical data report on similar signs in North Texas. Report shows property values increased over time.

Member Evans asked about signage location.

Mr. Turner responded adding information in the report is also public information. He added that evidence shows patients find professional services by means other than drive-by, line-of-sight to a sign.

Chair Yahwak shared concern on sign ownership and maintenance if Mr. Turner is no longer the property owner.

Mr. Turner responded the sign is part of the property and ownership transfers.

Mr. James Ramsey, 910 Saddlebrook Drive, Colleyville, Texas and sign operator. Mr. Ramsey shared the sign advertises for a multiple of other businesses in addition to the businesses on-site.

Mr. Mark Samples, 4572 Mariner Lane, Frisco, Texas property owner of adjacent properties to the west and north. Mr. Samples spoke on behalf of the other property owners. He shared access, SH 121 visibility, and line-of-sight are all important when selecting a location. The 2016 purchase was made in consideration of these and factored into the purchase price. He argued this sign would adversely affect their property. He offered the healthcare industry is becoming more retail with an increasing need for access and visibility. Mr. Samples reviewed his presentation demonstrating the changes in visibility.

Mr. Turner responded.

Member Evans asked for the heights of Mr. Turner's and Mr. Samples' properties.

Mr. Turner and Mr. Samples responded.

Chair Yahwak closed the public hearing at 7:08 p.m.

Chair Yahwak convened the board into executive session.

Executive Session was convened at 7:09 p.m.

EXECUTIVE SESSION

A. Sign Board of Appeals shall convene into a closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the city attorney.

Regular Session was reconvened at 7:26 p.m.

Member Byers made a motion to approve Item 3.2 because the requested variance does not trigger application of the variance criteria in the City’s ordinances. Seconded by Member Evans. The motion carried (3-0).

3.3	<i>SBA21-0005 – Stewart Peninsula HOA Monument Signs</i> Conduct a public hearing, discuss and consider a variance to allow three (3) [residential] monument signs within the Stewart Peninsula residential development. The proposed sign locations are at the Caldwell Avenue, Malone Avenue, and Stewart Boulevard intersections of Ethridge Drive within the Planned Development 8 (PD-8) [Stewart Peninsula] zoning district.
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Chair Yahwak confirmed the public hearing remains open. This item was postponed to the October 20, 2021 public hearing.

There being no further business to come before the Board, Chair Yahwak adjourned the Regular Session of the Sign Board of Appeals at 7:30 p.m.

Constance Yahwak, Chairman

Isaac Williams, Development Services Manager

SIGN BOARD OF APPEALS STAFF MEMO

AGENDA DATE: February 16, 2022
DEPARTMENT: Engineering/Development Services Department
PLANNER: Isaac Williams, Development Services Manager

SUBJECT: *SBA20-0001 – 3716 Standridge Drive Prohibited Sign Appeal*

Conduct a public hearing, discuss and consider an appeal of an interpretation that the signage for “Operation Happenis” [sic] is a prohibited sign.

APPLICANT/OWNER:

Brian Camp	FastSigns of Frisco	Frisco, TX
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BACKGROUND

On February 12, 2020 staff received and began review for sign permit applications for four (4) new “wall signs” at 3716 Standridge Drive.

Three of the four signs were approved upon a completed review. A fourth sign was disapproved after determination that the sign text is consistent with signage listed in Section 6-258 (b) (1) [Prohibited Signs]. The applicant has indicated that the proposed signage contains approximately 58.6 square-feet and is to be located on the lower half of the south (front) elevation of the building.

In accordance with Sec. 6-253 (permit and inspection required), the applicant was provided written and verbal notification of the three approved and one disapproved sign; the applicant was further advised of the process of appeals regarding the disapproved sign as stated in section 6-256.

The applicants request was originally scheduled for consideration on March 18, 2020. Consideration has been postponed to the July 21, 2021 at the behest of the applicant. The applicant requested further postponement of consideration to February 16, 2022.

CONSIDERATIONS

According to Section 6-256 of the Sign Ordinance in the Code of Ordinances, The Sign Board of Appeals may:

“...hear and decide appeals which allege error in any order, requirement, decision, or determination made by the chief building official in connection with the refusal to grant a permit, revoke a permit, or a decision involving any substantive or material interpretation of this article.”

Section 6-258 (b) (1) states the following signs are prohibited:

Any sign containing graffiti, obscene, indecent or immoral words, pictures, descriptions or other matter deemed to be of detriment to the health or morals of the citizens.

Staff determined that the text within the signage (see below) is consistent with Section 6-258 (b) (1):



FRONT ELEVATION

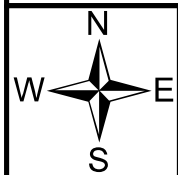
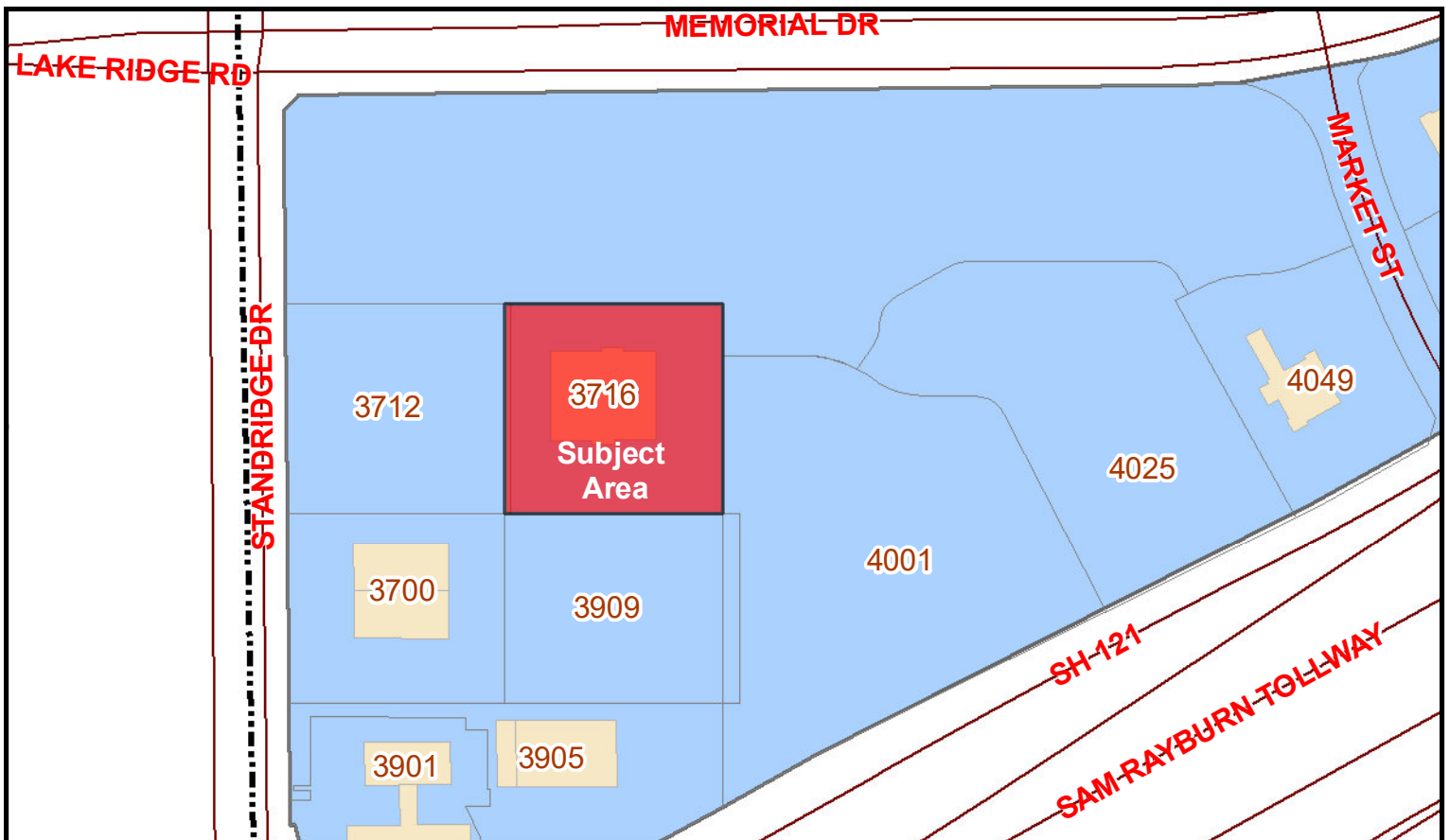


CHANNEL LETTERS (OPERATION HAPPENES)

- QTY 1
- LIGHTED CHANNEL LETTERS WHITE
- ATTACHED TO BUILDING EXTERIOR

ATTACHMENTS

1. Location Map
2. Sign Photos



Project No. SBA20-0001 - Project Name: 3716 Standridge Dr.

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|---------------|--------------------------|------------------|----------------------|------------------------|----------|
| SBA20-0001 | Business Park/Industrial | Heavy Commercial | Mobile Home | Planned Development | Townhome |
| 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.





FRONT ELEVATION



CHANNEL LETTERS (OPERATION HAPPENIS)

- QTY 1
- LIGHTED CHANNEL LETTERS WHITE
- ATTACHED TO BUILDING EXTERIOR



Southside Elevation from SH121 prior to new signage.



Eastside Elevation



Southside Elevation during new signage installation.