



# AGENDA

City of Lucas

## Planning and Zoning Commission

April 12, 2018

**7:00 PM**

**City Hall - 665 Country Club Road – Lucas, Texas – 75002**

Notice is hereby given that a City of Lucas Planning and Zoning Meeting will be held on Thursday, April 12, 2018 at 7:00 pm at the Lucas City Hall, 665 Country Club Road, Lucas, Texas, 75002-7651 at which time the following agenda will be discussed. As authorized by Section 551.071 of the Texas Government Code, the Planning and Zoning Commission may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

### Call to Order

- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones
- Pledge of Allegiance

### Regular Agenda

1. Consider approval of the minutes of the March 8, 2018 Planning and Zoning Commission meeting. (City Secretary Stacy Henderson)
2. Consider the request by Rutledge Haggard on behalf of the Steven W. Hendrick Trust for a preliminary plat for a parcel of land being 73.4268 acres of land located on the north and south sides of Blondy Jhune Road and east of Country Club Road, being part of the Peter Lucas Survey, A-537; J.W. Kerby Survey, A-506; James Grayum Survey, A-506, Tracts 1, 2, & 3. (Development Services Director Joe Hilbourn)
3. Consider the request by Cliff Gillespie on behalf of Lucas Village I, LLC for final plat approval for Lot 1, Block A of the Lucas Plaza Addition located at 501 Angel Parkway. (Development Services Director Joe Hilbourn)
4. Discuss the request by Grace Church to amend the City's Code of Ordinances, Section 3.16.008 Prohibited Signs, to allow an electronic sign for the property located at 2005 Estates Parkway. (Development Services Director Joe Hilbourn)

5. Executive Session: An Executive Session is not scheduled for this meeting.
6. Adjournment.

<b>Certification</b>
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I hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, TX 75002-7651 and on the City's website at [www.lucastexas.us](http://www.lucastexas.us) on or before 5:00 pm, April 6, 2018.

\_\_\_\_\_  
Stacy Henderson  
City Secretary

*In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to Stacy Henderson at 972-912-1211 or by email at [shenderson@lucastexas.us](mailto:shenderson@lucastexas.us) at least 48 hours prior to the meeting.*



# City of Lucas

## Planning and Zoning Agenda Request

### April 12, 2018

Requester: City Secretary Stacy Henderson

#### **Agenda Item:**

Consider approval of the minutes of the March 8, 2018 Planning and Zoning Commission meeting.

#### **Background Information:**

NA

#### **Attachments/Supporting Documentation:**

1. Minutes of the March 8, 2018 Planning and Zoning Commission meeting.

#### **Budget/Financial Impact:**

NA

#### **Recommendation:**

NA

#### **Motion:**

I make a motion to approve the minutes of the March 8, 2018 Planning and Zoning Commission meeting.



City of Lucas  
**Planning and Zoning Commission**

Regular Meeting

March 8, 2018

7:00 PM

City Hall – 665 Country Club Road – Lucas, Texas

**MINUTES**

**Call to Order**

Chairman Rusterholtz called the meeting to order at 7:00 pm.

**Commissioners Present:**

Chairman Peggy Rusterholtz  
Vice Chairman David Keer  
Commissioner Andre Guillemaud  
Commissioner Scott Sperling  
Alternate Commissioner Tim Johnson  
Alternate Commissioner Tommy Tolson

**Staff Present:**

City Manager Joni Clarke  
Development Services Director Joe Hilbourn  
City Attorney Julie Doshier  
City Secretary Stacy Henderson

**City Council Liaison Absent:**

Mayor Jim Olk

**Commissioner Absent:**

Commissioner Joe Williams

It was determined that a quorum was present. Everyone was reminded to turn off or silence cell phones and the Commission recited the Pledge of Allegiance.

Alternate Commissioner Tim Johnson served as a voting member in the absence of Commissioner Williams.

**Public Hearing**

- 1. Public hearing to consider the zoning of a recently annexed tract of land from AO to R-1 consisting of approximately 62.97 acres of land out of the Benjamin Sparks Survey, Abstract No. 813, in Collin County, Texas, as described in Volume 549, Page 333, and generally located on the north side of FM 1378, one-half mile east of the intersection of FM 1378 and W. Lucas Road (also commonly known as Edgewood Estates) and consisting of approximately 49 lots.**

Development Services Director Joe Hilbourn gave a brief presentation explaining that Edgewood Estates consisted of 49 lots and was recently annexed into the City on October 25, 2017. Edgewood Estates was currently zoned Agricultural and was being rezoned to match the existing use of residential, one-acre lots.

Chairman Rusterholtz opened the public hearing at 7:02 pm, there being no one wishing to speak, the public hearing was closed.

**MOTION:** A motion was made by Commissioner Sperling, seconded by Commissioner Guillemaud to recommend approval of the rezoning of Edgewood Estates from Agricultural to Residential-1 consisting of approximately 62.97 acres of land out of the Benjamin Sparks Survey, Abstract No. 813. The motion passed unanimously by a 5 to 0 vote.

2. **Public hearing to consider the zoning of a recently annexed parcel of land from AO to R-1 consisting of approximately 36.84 acres of land out of the James M. Snider Survey, Abstract No. 824, in Collin County, Texas, as described in volume 924, page 443, and generally located on the south side of Estates Parkway, one-half mile west of the intersection of Ingram Road and Estates Parkway (also commonly known as Claremont Springs, Phase 1) and consisting of approximately 24 lots, in the City of Lucas, Texas.**

Development Services Director Joe Hilbourn gave a brief presentation explaining that Claremont Springs consisted of 29 lots and was recently annexed into the City on October 25, 2017. Claremont Springs was currently zoned Agricultural and was being rezoned to match the existing use of residential, one-acre lots.

Chairman Rusterholtz opened the public hearing at 7:05 pm, there being no one wishing to speak, the public hearing was closed.

**MOTION:** A motion was made by Alternate Commissioner Johnson, seconded by Commissioner Guillemaud to recommend approval of the rezoning of Claremont Springs Phase 1 from Agricultural to Residential-1 consisting of 24 lots, approximately 36.84 acres of land out of the James M. Snider Survey, Abstract No. 824. The motion passed unanimously by a 5 to 0 vote.

3. **Public hearing to consider the zoning of a recently annexed parcel of land from AO to R-1 consisting of approximately 32.97 acres of land out of the Benjamin Sparks Survey, Abstract No. 813, in Collin County Texas, as described in volume 3928, page 145, and generally located on the east side of FM 1378, one-quarter mile north of the intersection of FM 1378 and W. Lucas Road (also commonly known as Cimarron Estates) and consisting of approximately 25 lots in the City of Lucas, Texas.**

Development Services Director Joe Hilbourn gave a brief presentation explaining that Cimarron Estates consisted of 25 lots and was recently annexed into the City on October 25, 2017. Cimarron Estates was currently zoned Agricultural and was being rezoned to match the existing use of residential, one-acre lots.

Chairman Rusterholtz opened the public hearing at 7:07 pm, there being no one wishing to speak, the public hearing was closed.

**MOTION:** A motion was made by Vice Chairman Keer, seconded by Commissioner Guillemaud to recommend approval of the rezoning of Cimarron Estates from Agricultural to Residential-1 consisting of 25 lots, approximately 32.97 acres of land out of the Benjamin Sparks Survey, Abstract No. 813. The motion passed unanimously by a 5 to 0 vote.

## Regular Agenda

### 4. Consider approval of the minutes of the February 8, 2018 Planning and Zoning Commission meeting.

**MOTION:** A motion was made by Commissioner Guillemaud, seconded by Vice Chairman Keer, to approve the minutes as submitted. The motion passed unanimously by a 5 to 0 vote.

### 5. Discuss the request by Grace Church to amend the City's Code of Ordinances, Section 3.16.008 Prohibited Signs, to allow an electronic sign for the property located at 2005 Estates Parkway.

Development Services Director Joe Hilbourn explained that Grace Church had requested an electronic sign similar in nature to the electronic sign currently located at City Hall. Mr. Hilbourn stated that the Code of Ordinances prohibited electronic signage; however, the City was exempt from this regulation. Mr. Hilbourn discussed with the Commission possible language amendments to the Code should the Commission consider amending the Code of Ordinances related to electronic signage.

The Commission discussed various restrictions that could be put in place for electronic signage, such as restrictions on size, animation and illumination, especially during evening hours. The Commission also discussed distance needed from residential neighborhoods. The Commission also suggested having time restrictions in place for automation and illumination as well as requiring a specific use permit.

Mr. Hilbourn discussed sign regulations currently in place related to the size of signage.

Blair Abbot, Grace Church, 2005 Estates Parkway, explained that the church was looking for a way to communicate with the community and did not want a larger sign than what they had currently, which was within existing regulations.

Commissioners Tolson and Sperling expressed their concern related to amending the Code of Ordinances allowing for too many businesses requesting electronic signage.

Chairman Rusterholtz discussed with the Commission requiring a specific use permit for electronic signage, reviewing each request on a case by case basis. It was also discussed allowing electronic signage for non-commercial type uses such as schools, and churches.

The Commission discussed reviewing what other comparable cities allow as well as requiring signage to have text only and no video.

The Commission directed staff to review what comparable cities allowed for electronic signage and bring back further recommendations based on input received. There was no formal action taken on this item.

**6. Consider the request by Barrett Owens on behalf of Daniel and Lana Afseth for a preliminary plat for a tract of land being 11.941 acres situated in the James Grayum Survey, Abstract Number 354 otherwise known as 1890 Estates Parkway.**

Chairman Rusterholtz stated that an updated preliminary plat was distributed noting minor changes that had been requested by staff.

Development Services Director Joe Hilbourn explained that the preliminary plat consisted of five 2-acre lots on 11.94 acres of land. Mr. Hilbourn noted that there was currently a drainage ditch running through each lot in the development and drainage would have to be addressed as part of development for this subdivision. A private road was also being added to this development requiring Planning and Zoning Commission and City Council approval.

Commissioner Sperling asked what options were available for drainage on these properties.

Mr. Hilbourn explained that during the construction phase of the project the drainage ditch would be moved, reconfigured and required to meet all City regulations. Mr. Hilbourn stated that the private road would also meet all City requirements.

Chairman Rusterholtz asked if variances would be required for each lot to construct a home that would not be located within a drainage ditch.

Mr. Hilbourn explained that any variance request would have needed to occur before plat approval. Once the plat was approved, a self-imposed hardship has been created. Mr. Hilbourn stated that he had spoken with the applicant making him aware of the variance requirements, and the applicant noted his intentions to move the drainage ditch during construction and would not be requesting a variance.

**MOTION:** A motion was made by Alternate Commissioner Johnson, seconded by Commissioner Guillemaud to recommend approval of the preliminary plat for a tract of land being 11.941 acres situated in the James Grayum Survey, Abstract Number 354 otherwise known as 1890 Estates Parkway. The motion passed unanimously by a 5 to 0 vote.

**7. Consider the request by James Roberts on behalf of Goose Real Estate for approval of a final minor plat for Logan Ford Ranch Phase 5, a tract of land being 6.207 acres of a 110.117 tract of land situated in the Calvin Boles Survey Abstract Number 28.**

Development Services Director Joe Hilbourn stated that the minor plat consists of a subdivision with three lots, each lot greater than two acres. The minor plat dedicated right-of-way, and road improvements would be made as part of the development agreement for Logan Ford Ranch, Phase Two.

**MOTION:** A motion was made by Commissioner Guillemaud, seconded by Commissioner Sperling to recommend approval of the minor plat Logan Ford Ranch Phase 5, a tract of land being 6.207 acres of a 110.117 tract of land situated in the Calvin Boles Survey Abstract Number 28. The motion passed unanimously by a 5 to 0 vote.

8. Consider the request by James Roberts on behalf of Goose Real Estates for approval of a final minor plat for Logan Ford Ranch Phase 6, a tract of land being 2.293 acres of a 110.117 tract of land situated in the Calvin Boles Survey Abstract Number 28.

Development Services Director Joe Hillbourn stated that the minor plat consisted of two lots, each lot greater than two acres in area. The minor plat dedicated right-of-way and road improvements would be made as part of the development agreement.

**MOTION:** A motion was made by Commissioner Sperling, seconded by Vice Chairman Keer to recommend approval of the minor plat for Logan Ford Ranch Phase 6, a tract of land being 2.293 acres of a 110.117 tract of land situated in the Calvin Boles Survey Abstract Number 28. The motion passed unanimously by a 5 to 0 vote.

9. Consider the request by Cliff Gillespie on behalf of Lucas Village I LLC for approval of a landscape plan and irrigation plan for Lot 1, Block A of the Lucas Plaza Addition otherwise known as 501 Angel Parkway.

**MOTION:** A motion was made by Commissioner Sperling, seconded by Alternate Commissioner Johnson to recommend approval of the landscape plan and irrigation plan for Lot 1, Block A of the Lucas Plaza Addition otherwise known as 501 Angel Parkway. The motion passed unanimously by a 5 to 0 vote.

10. Consider the request by Cliff Gillespie on behalf of Lucas Village I LLC for final plat approval for Lot 1, Block A of the Lucas Plaza Addition otherwise known as 501 Angel Parkway.

Chairman Rusterholtz announced that this item was being removed from the agenda as they did not complete the necessary public improvements needed to move forward with final plat approval.

### Executive Session

The Planning and Zoning Commission may convene in a closed Executive Session pursuant to Chapter 551.071 of the Texas Government Code.

11. Executive Session.

An Executive Session was not held at this meeting.

12. Adjournment.

**MOTION:** A motion was made by Commissioner Guillemaud, seconded by Vice Chairman Keer to adjourn the meeting at 7:58 pm. The motion passed unanimously by a 5 to 0 vote.

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Peggy Rusterholtz, Chairman

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Stacy Henderson, City Secretary





# City of Lucas

## Planning and Zoning Agenda Request

### April 12, 2018

Requester: Development Services Director Joe Hilbourn

#### **Agenda Item:**

Consider the request by Rutledge Haggard on behalf of the Steven W. Hendrick Trust for a preliminary plat for a parcel of land being 73.4268 acres of land located on the north and south sides of Blondy Jhune Road and east of Country Club Road, being part of the Peter Lucas Survey, A-537; J.W. Kerby Survey, A-506; James Grayum Survey, A-506, Tracts 1, 2, & 3.

#### **Background Information:**

This parcel of land is currently zoned R-2, containing 73.35 +/- acres of land, and proposes 34 new residential lots that conform to the City's requirements. The City Engineer has approved the construction plans, flood study, and traffic impact analysis. This request complies with the City's Comprehensive Plan. There is flood plain located along both the northern and southern boundaries of the subdivision, each lot containing designated flood plain, has at least one acre located outside of the flood plain. Blondy Jhune Road alignment has also changed from its original location in accordance with the traffic impact analysis and gives the best line of site possible at the intersection of Blondy Jhune and Country Club Road.

#### **Attachments/Supporting Documentation:**

1. Preliminary plat
2. Location Map

#### **Budget/Financial Impact:**

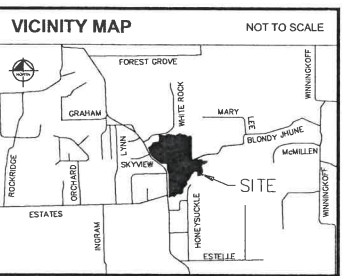
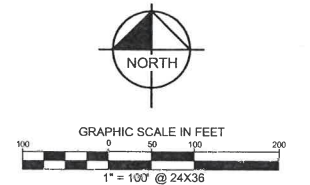
NA

#### **Recommendation:**

Staff recommends approval as presented.

#### **Motion:**

I make a motion to approve/deny the request by Rutledge Haggard on behalf of the Steven W. Hendrick Trust for a preliminary plat for a parcel of land being 73.4268 acres of land located on the north and south sides of Blondy Jhune Road and east of Country Club Road, being part of the Peter Lucas Survey, A-537; J.W. Kerby Survey, A-506; James Grayum Survey, A-506, Tracts 1, 2, & 3.

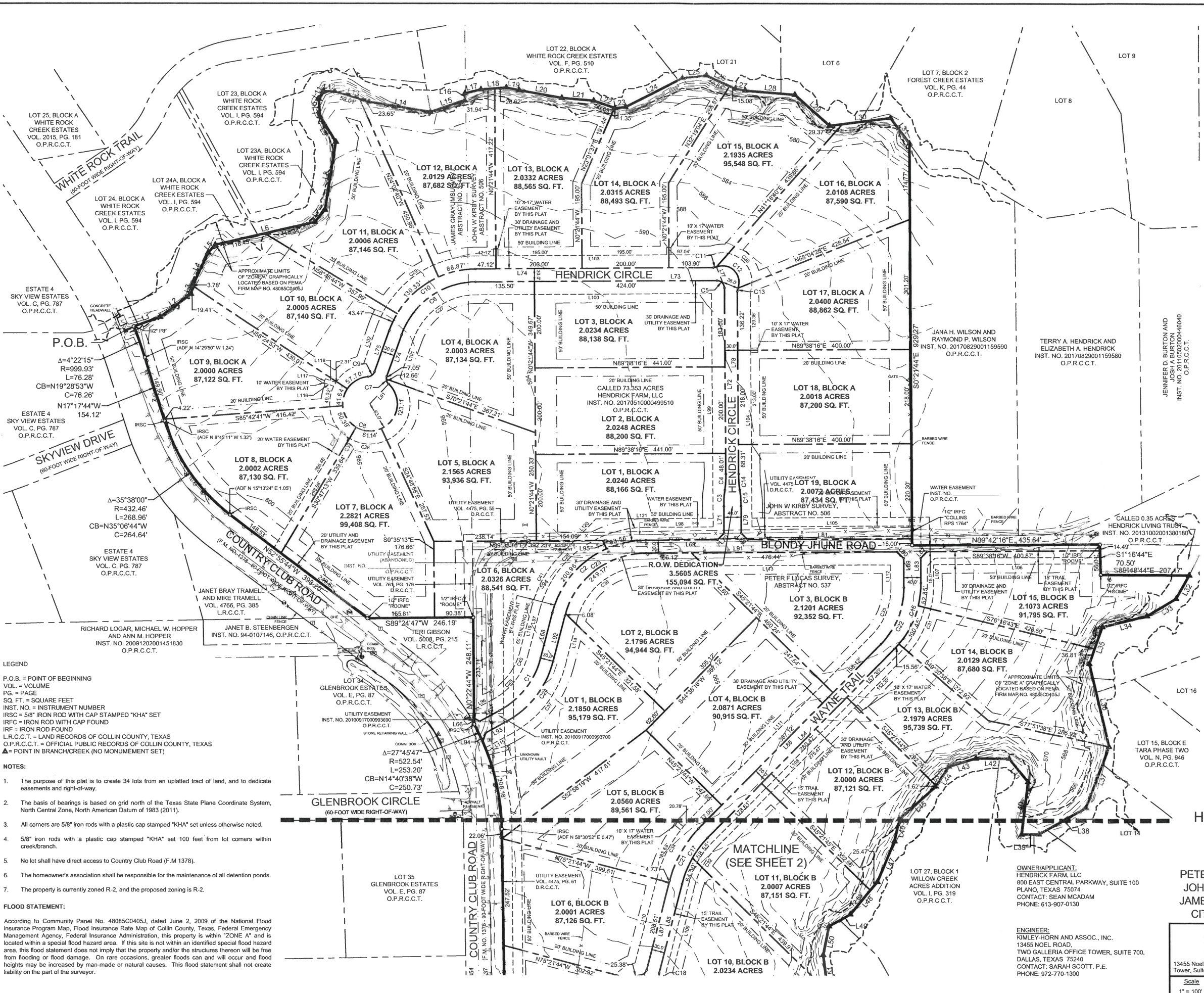


**LEGEND**

☐ ROOF DRAIN	☐ MAIL BOX
☐ CABLE TV SIGN	☐ SANITARY SEWER CLEAN OUT
☐ CABLE TV MANHOLE	☐ SANITARY SEWER MANHOLE
☐ CABLE TV MARKER SIGN	☐ SANITARY SEWER MARKER FLAG
☐ CABLE TV MARKER SIGN	☐ SANITARY SEWER MARKER SIGN
☐ CABLE TV VALVE	☐ SANITARY SEWER VAULT
☐ COMMUNICATIONS BOX	☐ STORM SEWER BOX
☐ COMMUNICATIONS HANDHOLE	☐ STORM SEWER DRAIN
☐ COMMUNICATIONS MANHOLE	☐ STORM SEWER MANHOLE
☐ COMMUNICATIONS MARKER SIGN	☐ STORM SEWER VAULT
☐ COMMUNICATIONS MARKER SIGN	☐ TRAFFIC BARRIER
☐ COMMUNICATIONS VAULT	☐ TRAFFIC BOLLARD
☐ ELEVATION BENCHMARK	☐ TRAFFIC SIGN
☐ FIBER OPTIC BOX	☐ CROSS WALK SIGNAL
☐ FIBER OPTIC HANDHOLE	☐ TRAFFIC HANDHOLE
☐ FIBER OPTIC MANHOLE	☐ TRAFFIC MANHOLE
☐ FIBER OPTIC MARKER SIGN	☐ TRAFFIC MARKER SIGN
☐ FIBER OPTIC VALVE	☐ TRAFFIC VAULT
☐ MONITORING WELL	☐ UNIDENTIFIED BOX
☐ GAS MANHOLE	☐ UNIDENTIFIED HANDHOLE
☐ GAS METER	☐ UNIDENTIFIED MANHOLE
☐ GAS MANHOLE	☐ UNIDENTIFIED MANHOLE FLAG
☐ GAS MARKER FLAG	☐ UNIDENTIFIED MANHOLE SIGN
☐ GAS SIGN	☐ UNIDENTIFIED POLE
☐ GAS TANK	☐ UNIDENTIFIED VAULT
☐ GAS VALVE	☐ UNIDENTIFIED VALVE
☐ TELEPHONE BOX	☐ UNIDENTIFIED VAULT
☐ TELEPHONE HANDHOLE	☐ FIRE DEPT. CONNECTION
☐ TELEPHONE MARKER FLAG	☐ FIRE HYDRANT
☐ TELEPHONE MARKER SIGN	☐ WATER METER
☐ TELEPHONE VALVE	☐ WATER MANHOLE
☐ PIPELINE MARKER SIGN	☐ WATER MANHOLE SIGN
☐ FLOOD LIGHT	☐ WATER MARKER FLAG
☐ GUY ANCHOR	☐ WATER MARKER SIGN
☐ ELECTRIC HANDHOLE	☐ WATER VALVE
☐ LIGHT STANDOFF	☐ WIRE RELEASE VALVE
☐ ELECTRIC METER	☐ WATERWELL
☐ ELECTRIC MANHOLE	☐ IRISC 3/4\"/>
☐ ELECTRIC MANHOLE FLAG	☐ IRISC 3/4\"/>
☐ ELECTRIC MARKER SIGN	☐ IRISC 3/4\"/>
☐ UTILITY POLE	☐ IRISC 3/4\"/>
☐ ELECTRIC TRANSFORMER	☐ IRISC 3/4\"/>
☐ ELECTRIC VAULT	☐ IRISC 3/4\"/>
☐ HANDICAPPED PARKING	☐ IRISC 3/4\"/>
☐ SIGN	☐ IRISC 3/4\"/>
☐ MARQUEE BILLBOARD	☐ IRISC 3/4\"/>
☐ BORE LOCATION	☐ IRISC 3/4\"/>
☐ FLAG POLE	☐ IRISC 3/4\"/>
☐ GREASE TRAP	☐ IRISC 3/4\"/>

**LINE TYPE LEGEND**

---	BOUNDARY LINE
---	EASEMENT LINE
---	BUILDING LINE
---	WATER LINE
---	SEWER
---	SANITARY SEWER LINE
---	STORM SEWER LINE
---	UNDERGROUND GAS LINE
---	OVERHEAD UTILITY LINE
---	UNDERGROUND ELECTRIC LINE
---	UNDERGROUND TELEPHONE LINE
---	FENCE
---	CONCRETE PAVEMENT
---	ASPHALT PAVEMENT



**LEGEND**

P.O.B. = POINT OF BEGINNING  
 VOL. = VOLUME  
 PG. = PAGE  
 SQ. FT. = SQUARE FEET  
 INST. NO. = INSTRUMENT NUMBER  
 IRSC = 5/8" IRON ROD WITH CAP STAMPED "KHA" SET  
 IRFC = IRON ROD WITH CAP FOUND  
 IRF = IRON ROD FOUND  
 L.R.C.C.T. = LAND RECORDS OF COLLIN COUNTY, TEXAS  
 O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS  
 ▲ = POINT IN BRANCH/CREEK (NO MONUMENT SET)

- NOTES:**
- The purpose of this plat is to create 34 lots from an upplatted tract of land, and to dedicate easements and right-of-way.
  - The basis of bearings is based on grid north of the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 (2011).
  - All corners are 5/8" iron rods with a plastic cap stamped "KHA" set unless otherwise noted.
  - 5/8" iron rods with a plastic cap stamped "KHA" set 100 feet from lot corners within creek/branch.
  - No lot shall have direct access to Country Club Road (F.M 1378).
  - The homeowner's association shall be responsible for the maintenance of all detention ponds.
  - The property is currently zoned R-2, and the proposed zoning is R-2.

**FLOOD STATEMENT:**

According to Community Panel No. 48085C0405J, dated June 2, 2009 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Collin County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, this property is within "ZONE A" and is located within a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

**OWNER/APPLICANT:**  
 HENDRICK FARM, LLC  
 800 EAST CENTRAL PARKWAY, SUITE 100  
 PLANO, TEXAS 75074  
 CONTACT: SEAN MCADAM  
 PHONE: 613-907-0130

**ENGINEER:**  
 KIMLEY-HORN AND ASSOC., INC.  
 13455 NOEL ROAD,  
 TWO GALLERIA OFFICE TOWER, SUITE 700,  
 DALLAS, TEXAS 75240  
 CONTACT: SARAH SCOTT, P.E.  
 PHONE: 972-770-1300

**PRELIMINARY PLAT  
 HENDRICK FARMS ADDITION  
 LOTS 1-19, BLOCK A,  
 AND LOTS 1-15, BLOCK B  
 BEING 73.4268 ACRES OUT OF  
 PETER F LUCAS SURVEY, ABSTRACT NO. 537  
 JOHN W KIRBY SURVEY, ABSTRACT NO. 506  
 JAMES GRAYUM SURVEY, ABSTRACT NO. 354  
 CITY OF LUCAS, COLLIN COUNTY, TEXAS**

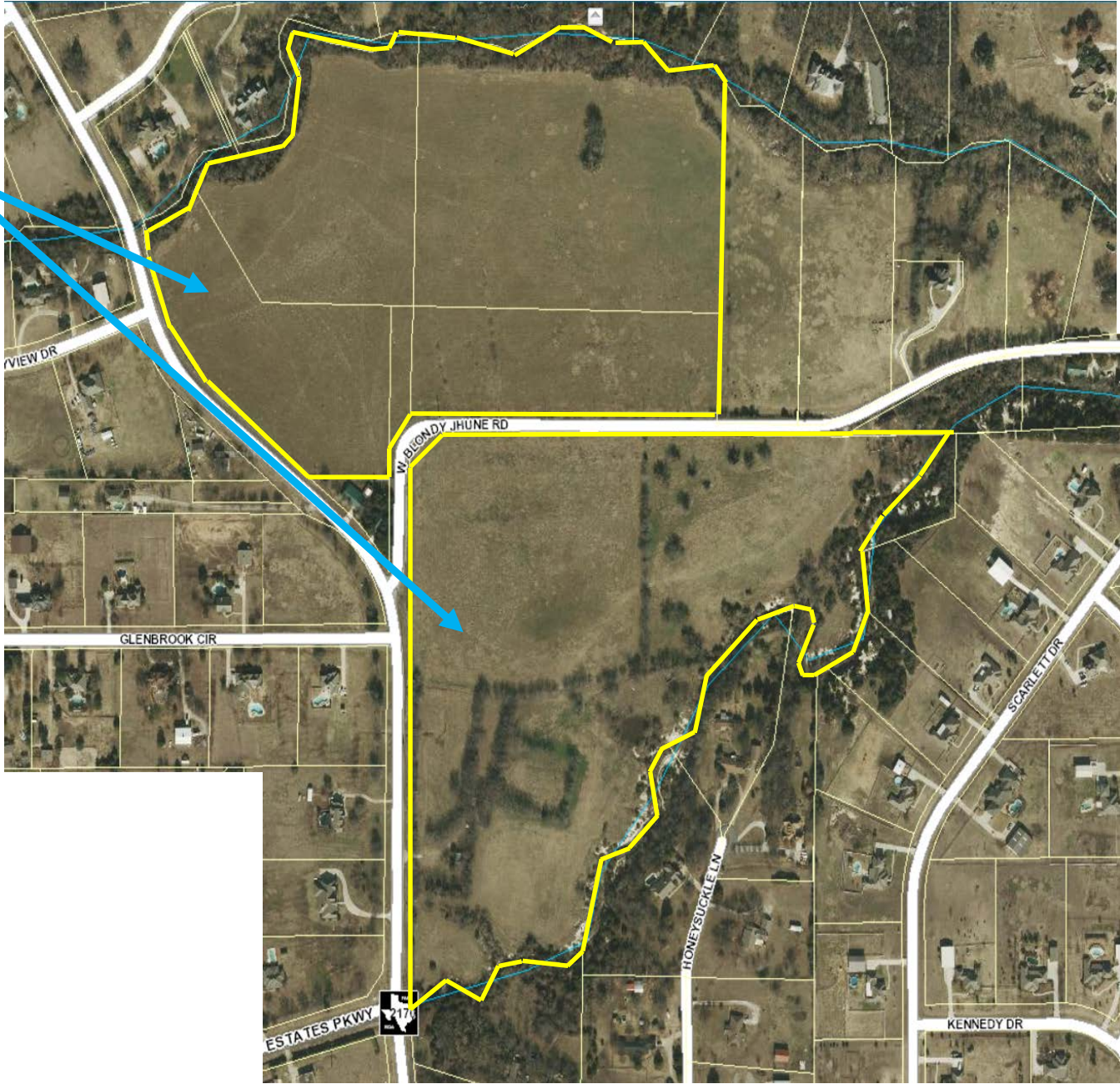
**Kimley»Horn**

13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

Scale: 1" = 100'  
 Drawn by: JBH  
 Checked by: JAD  
 Date: FEB. 2018  
 Project No.: 064041015  
 Sheet No.: 1 OF 2



# Hendrick Farm Location





# City of Lucas Planning and Zoning Request April 12, 2018

Item No. 03

Requester: Development Services Director Joe Hilbourn

## **Agenda Item:**

Consider the request by Cliff Gillespie on behalf of Lucas Village I, LLC for final plat approval for Lot 1, Block A of the Lucas Plaza Addition located at 501 Angel Parkway.

## **Background Information:**

This site has an approved site plan, specific use permit and preliminary plat. The site is 1.26 acres zoned Commercial Business. The plat is not ready for approval as public improvements are incomplete. Should the applicant complete the public improvements before the March 8, 2018 Planning and Zoning Commission meeting, staff would be in favor of the final plat as presented.

## **Attachments/Supporting Documentation:**

1. Final Plat

## **Budget/Financial Impact:**

N/A

## **Recommendation:**

Staff recommends approval of the final plat as presented provided public improvements are completed prior to the meeting.

## **Motion:**

I make a motion to approve/deny the final plat of Lucas Village I, LLC, for Lot 1, Block A of the Lucas Plaza Addition located at 501 Angel Parkway.

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS, LUCAS VILLAGE I, LLC are the Owners of a 1.324 acre tract of land situated in the W.M. Snider Survey, Abstract Number 821, Tract 32, in the City of Lucas, Collin County, Texas and being a portion of a 21.751 acre tract of land according to the Warranty Deed with Vendor's Lien recorded in Volume 5184, Page 1102 of the Deed Records of Collin County, Texas (DRCCT) and being more particularly described as follows:

COMMENCING at an iron rod with aluminum cap found for the southwest corner of said 6.476 acre tract of land and being the northwest corner of Lot 1, Block A of SC LUCAS ADDITION according to the plat recorded in Cabinet 2015, Page 380 of the Plat Records of Collin County Texas and being located in the east line of F.M. 2551 (variable width);

THENCE with the east line of said F.M. 2551, NORTH 00°24'32" WEST a distance of 290.81 feet to a 5/8 inch iron rod set for the POINT OF BEGINNING and being the southwest corner of a 0.8745 acre tract of land described in a deed to J & C Real Estate, Inc. recorded in Instrument No. 20130828001219820 (OPRCT);

THENCE continuing along the east line of said F.M. 2551, NORTH 00°24'32" WEST a distance of 186.00 feet to an X cut in concrete set for corner and being the northwest corner of said 6.467 acre tract;

THENCE departing the east line of said F.M. 2551, NORTH 89°35'28" EAST a distance of 295.00 feet to a 5/8 inch iron rod set for corner;

THENCE SOUTH 00°24'32" EAST a distance of 186.00 feet to a 5/8 inch iron rod set for the southeast corner of the herein described tract of land;

THENCE SOUTH 89°35'28" WEST a distance of a distance of 295.00 feet to a 5/8 inch iron rod set for corner

THENCE said 1.175 acre tract, SOUTH 89°35'28" WEST a distance of 295.00 feet to the POINT OF BEGINNING;

CONTAINING 1.324 acres or 57,660 square feet of land more or less.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That we, LUCAS VILLAGE I, LLC, Owners, do hereby bind themselves and their heirs, assignees and successors of title this plat designating the herein above described property as LUCAS PLAZA ADDITION, LOT 1, BLOCK A, an addition to the City of Lucas, and do hereby dedicate to the public use forever the streets, alleys, and right-of-way easements shown thereon, and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements strips, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity at any time of procuring the permission of anyone. Additionally, we certify that we are the sole owners of the dedicated property and that no other's interest are attached to this property unless otherwise indicated on the required Mortgage Holder Certification that is included on this plat. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Lucas, Texas.

Witness our hands at \_\_\_\_\_, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2018

LUCAS VILLAGE I, LLC, Owners
By: Brad DeYoung, Manager

STATE OF TEXAS §
COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Brad DeYoung, LUCAS VILLAGE I, LLC, Owners, known to me to be the person whose name are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Notary Public in and for the State of Texas

MORTGAGE HOLDER CERTIFICATION

That I, FIRST UNITED BANK AND TRUST COMPANY hold a mortgage or represent holders of a mortgage on a portion of the described property herein, do hereby consent to the submission and filing of this plat designating the hereinabove described property as LUCAS PLAZA ADDITION, an addition to the City of Lucas and do hereby dedicate to the public use forever the streets, alleys, and right-of-way easements shown thereon and do hereby reserve the easements shown on this plat for the mutual use and accommodation of garbage collection agencies, public utilities desiring to use or using same and fire and access easements. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Lucas, Texas.

Witness our hands at \_\_\_\_\_, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Signature
Title

FIRST UNITED BANK AND TRUST COMPANY

STATE OF TEXAS §
COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and considerations therein expressed. Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Notary Public in and for the State of Texas

SURVEYOR'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS:

That I, AUSTIN J. BEDFORD, do hereby certify, that I prepared this plat from an actual on the ground survey of the land as described and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Lucas Planning and Zoning Commission.

"Preliminary, this document shall not be recorded for any purpose and shall not be used or relied upon as a final survey document."

Austin J. Bedford
Registered Professional Surveyor No. 4132
A.J. Bedford Group, Inc.
301 N. Alamo Road
Rockwall, Texas 75087

STATE OF TEXAS §
COUNTY OF ROCKWALL §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared AUSTIN J. BEDFORD, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Notary Public in and for the State of Texas

FINAL PLAT - FOR REVIEW PURPOSES ONLY

LUCAS PLAZA ADDITION
FINAL PLAT
LOT 1, BLOCK A

BEING 1.260 ACRES OUT OF THE
WILLIAM SNIDER SURVEY, ABSTRACT NO. 821, TRACT 32
CITY OF LUCAS, COLLIN COUNTY, TEXAS

Owner: LUCAS VILLAGE I, LLC
4125 Centurion Way, Suite 100
Addison, Texas 75001

Scale: 1" = 40'
Date: November 15, 2017
Technician: L. Spradling
Drawn By: L. Spradling
Checked By: A.J. Bedford
P.C.: D. Cryer
File: LUCAS PLAZA 9-12-2017
Job No. 552-152
GF No. N/A

301 N. Alamo Rd. \* Rockwall, Texas 75087
(972) 722-0225, www.ajbedfordgroup.com

Sheet: 1
Of: 1

Bedford Group, Inc.
Registered Professional Land Surveyors

TBPLS REG. # 10118200

Engineer:
CLAYMOORE ENGINEERING, INC.
1903 Central Drive, Suite 406
Bedford, Texas 76021
817-281-0572

Approved by the Planning and Zoning Commission of the City of Lucas, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2018

ATTEST:

Chairperson, Planning and Zoning Commission

Zoning Secretary

The Director of Public Works of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinance and with engineering construction standards and processes adopted by the City of Lucas, Texas as to which his/her approval is required.

Director of Public Works Date

The Director of Planning and Community development of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinance, or as may have been amended or modified, as allowed, by the Planning and Zoning Commission as to which his/her approval is required.

Director of Planning and Community Development Date

LAKE TRAVIS DRIVE

F.M. HIGHWAY 2551
S. ANGEL PARKWAY
A VARIABLE WIDTH R.O.W. ASPHALT SURFACE
(A PUBLIC RIGHT-OF-WAY)

LAKE FALCON DRIVE
(50' Width Right-of-Way)

PENNINGTON PARTNERS, LTD.
VOL. 5184, PG. 1102
D.R.C.C.T.

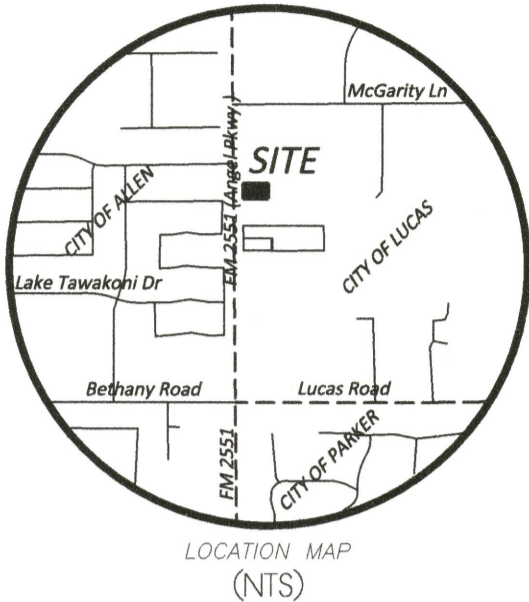
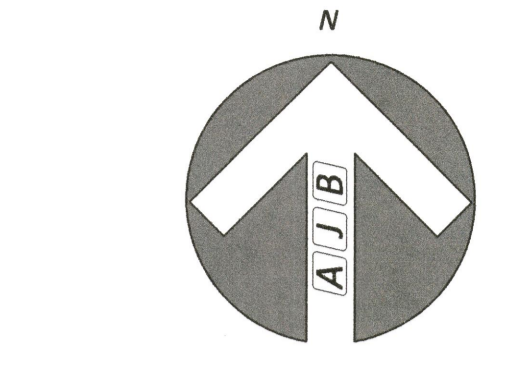
O'REILLY AUTO ENTERPRISES LLC
cc# 20171102001464850
O.P.R.C.C.T.

LOT 1, BLOCK A
ANGEL PARKWAY
PET HOSPITAL ADDITION
"UNRECORDED"

LOT 1, BLOCK A
SC LUCAS ADDITION
FINAL PLAT
LOT 1, BLOCK A
CABINET 2015, PAGE 380

LOT 2, BLOCK A
SC LUCAS ADDITION
FINAL PLAT
LOT 1, BLOCK A
CABINET 2015, PAGE 380
0.8745 ACRE TRACT
J & C LUCAS REAL ESTATE, INC.
INST. NO. 20130828001219820

15' R.O.W.
DEDICATION
2,218 Sq.Ft.
(Cab. 2015, Pg. 380)
15' Wide
Utility Easement
City of Lucas
482000-003731
(Vol. 4646, Pg. 680)
O.P.R.C.C.T.
(TO BE ABANDONED
PER THIS PLAT)



LEGEND table with symbols for Iron Rod Found, Iron Rod Set, Deed Records, Plat Records, Real Property Records, and Official Public Records.

FLOOD STATEMENT: According to Community Panel No. 48085C04051, dated June 02, 2009 of the Federal Emergency Management Agency, National Flood Insurance Program map this property is within Flood Zone "X", which is not a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This statement shall not create liability on the part of the Surveyor.

Notes:
Basis of Bearings: Bearings are based on the Plat of Wal-Mart Lucas Addition, Recorded in Volume 2012, Page 457, Deed Records, Dallas County, Texas.

The 15-foot wide (2,790 SF) right-of-way dedication by this plat, adjacent to F.M. 2551, shall be used only for the road construction purposes and NTMWD use. Roadway and utilities, both public and private are restricted to crossing of 45-degrees or greater. No parallel layout of public utilities is permitted within the 15-foot wide (2,790 SF) right-of-way dedication by this plat.

Table with columns: CURVE, ARC LENGTH, RADIUS, DELTA ANGLE, CHORD BEARING, CHORD LENGTH. Lists curve data for C1 through C11.

Table with columns: LINE, BEARING, DISTANCE. Lists line data for L1 through L5.



# City of Lucas Planning and Zoning Request April 12, 2018

Item No. 04

Requester: Development Services Director Joe Hilbourn

## **Agenda Item:**

Discuss the request by Grace Church to amend the City's Code of Ordinances, Section 3.16.008 Prohibited Signs, to allow an electronic sign for the property located at 2005 Estates Parkway.

## **Background Information:**

This item was brought before the Planning and Zoning Commission at their March 8, 2018 meeting. The Commission directed staff to gather additional information from other cities related to electronic signage and their regulations for further review.

Grace Church is requesting an electronic sign similar in nature and function to the City's electronic sign. The Code of Ordinances, Section 3.16.008 does not permit the use of electronic signs within the City; however, the City of Lucas is exempt from this sign regulation.

Code of Ordinances, Section 3.16.008(c) - Prohibited Signs states:

Animated signs, including but not limited to those signs or sign parts which flash, reflect, blink, or effect changes in hue or intensity or illumination, are prohibited. Signs or sign parts illuminated to such intensity or in such a manner as to cause glare or brightness to a degree that they constitute hazards or nuisances are prohibited, including searchlights and beacons. Signs which employ the use of luminescent inert gases, including but not limited to neon, argon and krypton, and which are visible from the exterior of structures, are specifically prohibited.

The following outlines information gathered from other cities:

- Town of Fairview
  - o Permits animated signs as part of an approved planned development within a commercial district
- City of Parker
  - o Does not permit animated signs or lighted signs
- City of Heath
  - o Does not permit animated signs
- City of Farmers Branch
  - o Permits animated signs and has extensive regulations regarding their use

## **Attachments/Supporting Documentation:**

1. Town of Fairview sign ordinance
2. City of Parker sign ordinance
3. City of Heath excerpt from sign ordinance
4. City of Farmers Branch sign ordinance



# City of Lucas Planning and Zoning Request April 12, 2018

Item No. 04

## **Budget/Financial Impact:**

N/A

## **Recommendation:**

Provide direction to staff regarding allowing electronic signage in a Residential zoning district for non-residential uses such as churches, public schools, private schools or other related uses.

## **Motion:**

N/A



## FAIRVIEW SIGN ORDINANCE

### ARTICLE 3.13 SIGNS\*

#### Division 1. Generally

#### Sec. 3.13.001 Purpose

(a) Regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the corporate limits of the town, to encourage the general attractiveness of the community, and to protect property values therein.

(b) Accordingly, it is the intention of this article to establish regulations governing the display of signs and in part to achieve the following:

(1) Safety. To promote the safety of persons and property by providing that signs:

(A) Promote and protect the public health, safety, comfort, morals, and convenience;

(B) Do not obstruct firefighting, emergency vehicle access, police surveillance, or other governmental functions; and

(C) Do not overload the public's capacity to receive information or increase the probability of traffic congestion and accidents by distracting attention or obstructing vision.

(2) Communications efficiency. To enhance the economy and the business of the town by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public so that:

(A) Businesses and services may identify themselves.

(B) Customers and other persons may locate a business or service.

(C) Signs are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.

(D) Persons exposed to signs are not overwhelmed by the number of messages presented.

(3) Environmental quality and preservation. To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:

(A) Do not interfere with scenic views, and protect and preserve the unique and natural beauty of the town;

(B) Do not create a nuisance to persons using the public rights-of-way;

(C) Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement; and

(D) Are not detrimental to land or property values.

(E) Limit light pollution and preserve dark skies in accordance with town ordinances regulating outdoor lighting.

(Ordinance 2006-017, sec. 152.01, adopted 8/1/06)

Sec. 3.13.002 Definitions

(a) For the purposes of understanding, administration and enforcement of this article, the following words and terms relating to all signs within the town are defined:

**Awning.** An architectural projection which provides weather protection, identity and decoration and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeletal structure over which a cover of lightweight metal, fabric or other similar material is attached.

**Banner.** A temporary sign made of cloth, canvas or other similar material, usually an elongated rectangle in shape, which may be used for decorative purposes or to provide information but is not permanently affixed to a building, structure or the ground.

**Building official.** The chief town building official or official designee.

**Bunting.** A fabric or similar material fashioned into decorative, flag-like design(s) typically used for celebrative occasions as adornments to buildings, walls, fences and other structures. Bunting is defined as a temporary sign when displayed for advertising or other public attention-getting purposes.

**Canopy.** A lightweight architectural structure or projection made of canvas or other material which provides weather protection, identity and decoration and is supported either by a building to which it is attached or to a framework attached and set to the ground.

**Change panel.** A portion of a sign face that may be readily removed, altered, substituted or otherwise changed to reflect updated or frequently varying information which is shown as part of the sign copy.

**Code enforcement officer.** The town official duly registered with the state with authority to enforce various municipal and state codes.

**Commercial planned development district (CPDD).** A planned development area within the western section of the town which emphasizes commercial development and supporting higher density residential development according to specific guidelines and standards for architecture, streetscape and site planning.

**Copy.** That portion of a sign which conveys a specific identity or message to the viewer of the sign. Copy on a sign includes only letters, numerals, figures, emblems, logos, trademarks and pictures. Copy does not include stripes, patterns, outlines or other related devices used to enhance the sign, sign background or message of the sign.

**Dilapidated or deteriorated condition.** Describes any sign where:

- (1) Elements of the surface or background have portions of the finished material missing, broken, defaced or otherwise existing in a condition not consistent with the original design other than normal wear.
- (2) A panel is visibly cracked or, in the case of wood or similar products, splintered in such a way as to constitute an unsightly or harmful condition.
- (3) A structural support or frame member is visibly bent, broken, dented or torn.
- (4) The sign, or its elements, are twisted or leaning or at an angle other than the angle at which it was originally erected.
- (5) The colors of the sign or sign copy are faded to an extent which creates an unsightly appearance.
- (6) The communication message or wording can no longer be clearly and easily read.
- (7) The sign or its elements are not in compliance with the current electrical code or building code of the town.

Display height, facade. The vertical distance on a building facade where a primary facade-mounted identification sign may be displayed. The vertical distance is measured by the applicable unbroken (by intervening horizontal architectural elements) vertical plane of the facade between either:

- (1) The roof line and nearest building opening (door, window, etc.) below it;
- (2) The roof line and the ground (when no intervening opening exists);
- (3) A cornice or similar detail at the roof line and the nearest opening (door, window, etc.) or horizontal architectural detail below it;
- (4) A cornice or similar detail at the top of a parapet facade and the nearest opening (door, window, etc.) or horizontal architectural detail below it; or
- (5) The bottom of a building opening (door, window, etc.) and the top of a building opening (door, window, etc.) below it.

Facade. The exterior walls of a building exposed to public view, especially referring to the principal faces of the building through which there may be public entries. Facade also means the exterior vertical face areas (non-roof) visible to public view of specialized elevated building forms such as canopies, porte-cocheres, and porticoes.

Face. The surface of a sign upon or through which a message or illustration is displayed.

Flag. A piece of fabric or similar synthetic material, usually rectangular in shape, containing a distinctive design or message.

Garage sale. The sale of personal or household goods in a residential area or on the property of a nonprofit organization. Also called a "yard sale."

**Grand opening.** An event or time period acknowledgement of the opening of a new business or other organizational entity; the opening of a business or other organization at a different location; the major expansion of a business or other organization; or the reopening of a business or other organization after a period of either being closed or substantially reduced in operational access for causes such as rebuilding, remodeling or restricted property access.

**Illuminated sign.** Any sign which has characters, letters, figures, or designs illuminated by electric lights, luminous tubes or other means used to draw attention to, to light up, or to provide viewing of the sign and its contents during periods of darkness. Illuminated signs include both:

(1) **Externally illuminated sign.** Any sign which is illuminated from a light source which is not included within the sign face or the sign structure.

(2) **Internally illuminated sign.** Any sign which is illuminated from a light source within the sign face or within the sign structure.

**Logo.** Any design or insignia of a company or product which is commonly used in advertising to identify that company or product.

**Multitenant commercial development.** A building or group of buildings, such as but not limited to shopping centers and office centers, constructed and managed as a total entity where multiple commercial tenants occupy floor space which has been divided into separate areas for respective individual occupant use.

**North Fairview planned development district (NFPDD).** A planned development zoning area within the northeastern part of the town which emphasizes environmental preservation and development of permitted uses according to specific guidelines and standards for architecture, streetscape and site planning.

**Parapet.** The extension of the main walls of a building above the roof level.

**Pennant.** Any lightweight plastic, fabric or other similar material, usually triangular in shape, designed to be suspended from lines, poles or other mounting devices and used for decorative, attention-getting or advertising purposes.

**Premises.** Any parcel of real property together with all buildings and structures thereon.

**Public works director.** The director of the department of public works for the town or designee.

**Searchlight.** An electrical light capable of generating and projecting a concentrated beam or beams of light into the sky which are visible in periods of darkness from distances away from the source of the light.

**Sign.** Any device and its supporting structure designed to visually attract viewer attention or to convey either commercial or noncommercial messages to the public, but not including any lawful display of merchandise. The term "sign" means and shall include any name, letter, number, identification, description, announcement, declaration, message, picture, emblem, logo, trademark, flag, banner,

vehicle, inflatable device, pennant, or enhancing decorative pattern and the supporting structure of any of these devices which is placed upon or affixed to any building or outdoor structure, erected or otherwise placed upon a parcel of land, which directs attention to any object, product, service, place, activity, person, institution, organization or business. Sign types include:

- (1) Sign, advertising (or promotional). Any sign used to draw attention to or promote the sale, lease, rental or use of specific products, services or the business establishments providing such products or services. Advertising and promotional signs include, but are not limited to, information about prices, availability, products, sources, brands, identifying logos, organizations and specific periods of time or events (e.g., sales, holidays, store openings, store closings, etc.) which are intended to encourage commercial activity. Advertising or promotional signs may be categorized as either temporary or permanent signs depending upon construction and period of display.
- (2) Sign, agricultural. Any sign identifying the farm or ranch where the sign is placed and advertising produce, crops, animals or poultry raised or quartered thereon.
- (3) Sign, apartment. Any sign identifying a multifamily dwelling, including but not limited to apartment buildings, apartment complexes and on-premises apartment offices.
- (4) Sign, awning. Any awning containing signage used to identify a business, profession, service, product, or activity offered on the premises of the sign location.
- (5) Sign, billboard. Any pole sign, as that term is defined in this article, having a face surface area exceeding one hundred (100) square feet which advertises products, services or entities located either on-premises or off-premises and where the sign surface area is available for lease, rent or hire.
- (6) Sign, cabinet (box). A sign constructed in a manner so that the sign face is surrounded by vertical and horizontal structural members which create an enclosed space of unspecified depth behind the sign face where lighting may be installed. A cabinet sign may have either a single sign face or two sign faces with an enclosed space between the two faces.
- (7) Sign, canopy. Any awning containing signage used to identify a business, profession, service, product, or activity offered on the premises of the sign location.
- (8) Sign, commercial. A sign installed in connection with nonresidential use by a commercial business establishment or by other nonresidential organizations such as churches, schools, clubs, nonprofit groups or government entities.
- (9) Sign, contractor/construction/development. Any on-site temporary sign identifying the project name or any of the parties involved in the development, design, financing, engineering, construction, landscaping or other improvement of the site on which the sign is located.
- (10) Sign, directional. Any on-site sign designed to direct the public to entrances, exits and services relating to the property.
- (11) Sign, directory. Any sign listing occupants within shopping centers, office buildings and other commercial developments with multiple occupants or tenants.

- (12) Sign, door. Any sign affixed to or displayed from either the interior or exterior surface of a door used for the purposes of advertising products, sales or services or for the purpose of providing information about the establishment occupying the premises.
- (13) Sign, exterior. Any sign erected or placed outside the confined interior floor space of a building.
- (14) Sign, freestanding. An on-site sign not attached to any building which is supported by uprights, braces, pedestals, bases or other means capable of maintaining the sign in its designed position while withstanding the stresses of weight and wind loads.
- (15) Sign, garage sale. A temporary sign advertising the sale of personal or household goods in a residential area or on the property of a nonprofit organization.
- (16) Sign, historic. A sign that is forty (40) years old or older, is of itself of historic significance or contributes to the historic fabric of the town or area.
- (17) Sign, inflatable. Any sign expanded, enlarged or supported by the use of air or gas.
- (18) Sign, institutional. Any sign used to identify schools, churches, hospitals, child care facilities and similar public or quasi-public institutions.
- (19) Sign, menu board. Any on-site sign displaying a list of items offered for sale on the premises. Typically used at restaurants and drive-through restaurants.
- (20) Sign, monument. A sign mounted to a solid ground-level base constructed of masonry materials or to a base where vertical supports are fully enclosed by materials which provide no clear or open space for the full width of the sign structure between the bottom of the sign face and the surface of the ground.
- (21) Sign, mural. Pictures which may or may not be used for advertising purposes which are painted on or attached to the surfaces of building walls.
- (22) Sign, obsolete. Any sign which no longer serves a bona fide use or purpose.
- (23) Sign, permanent. Any sign installed or erected with the intent of use beyond a temporary period.
- (24) Sign, pole. Any permanent sign which is erected on a vertical framework consisting of one or more uprights supported by the ground.
- (25) Sign, political. Any sign relating to a political issue, to a particular candidate for elected office or to a political party.
- (26) Sign, portable. Any sign that is not permanently attached to or affixed to the ground, to a building or to some other permanent fixed structure or object. This term specifically includes advertising displays affixed to or installed on a vehicle or other mobile unit such as a trailer, wheel or skid.
- (27) Sign, promotional. See "sign, advertising."

(28) Sign, reader board. Any sign comprised of changeable letters or numerals which allow for a frequent change of sign copy. Reader board signs include two types:

(A) Electronic. Uses electronically displayed numbers, letters and symbols (such as LCDs) controlled by remote or other automated means.

(B) Manual. Uses letters, numbers and symbols which can be readily changed by the physical substitution, addition, removal or rearrangement of such copy.

(29) Sign, real estate. Any on-site temporary sign pertaining to the sale or rental of property.

(30) Sign, roof. Any sign erected upon or above a roof of a building.

(31) Sign, temporary. Any sign used to display information related to a use, event or condition of limited duration of 30 days or less unless specifically designated (e.g., real estate) for a longer but definite limited period as defined elsewhere by this article related to a specific sign usage.

(32) Sign, wall. Any sign attached to or painted onto an exterior wall of a building or structure. A wall sign includes any painting or other appurtenances added to the wall or sign which have the purpose of drawing attention to the sign face.

(33) Sign, window. Any sign affixed to or displayed from either the interior or exterior surface of a window used for the purposes of advertising products, sales or services or for the purpose of providing information about the establishment occupying the premises.

(34) Sign, yard sale. A temporary sign advertising the sale of personal or household goods in a residential area or on the property of a nonprofit organization.

Sign regulations. Regulations are the specific governing requirements for the design, construction, location, illumination and use of signs. These requirements are stated in various sections of this article.

Sign surface area. The actual measured geometric area of the face of a sign. Where two or more signs share space on a single structure, each sign may be measured separately for calculating the surface area; however, the combined area of such signs shall not exceed the total surface area allowed for the sign structure.

Single-family residential zones. Those zones where single-family homes may be constructed on individual lots. These zones include RE-1, RE-1.5, RE-2, RE-3, PC, PD, CPDD zones G, I and L, Heritage Ranch Planned Development, and any other zones established by the town council for the construction of single-family homes on individual lots.

(b) The commercial planned development district (CPDD) and North Fairview planned development district (NFPDD) also allow other sign types unique to the CPDD zones within this defined area of the town. Definitions for specific signs in the CPDD and NFPDD are set forth in section 3.13.041 of this article.

(Ordinance 2006-017, sec. 152.02(B), (C), adopted 8/1/06)

Sec. 3.13.003 Penalty

(a) Whenever in this article or any ordinance of the town an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in this article or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of such provision of this article or any such ordinance shall be punished by a fine not exceeding \$500; provided, however, that a final penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, may not exceed \$2,000.

(b) Notwithstanding the above provisions, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.

(c) Each day a violation of this article or of any ordinance continues shall constitute a separate offense.

(Ordinance 2006-017, sec. 152.99, adopted 8/1/06)

Sec. 3.13.004 Administration and enforcement

The provisions of this article shall be administered and enforced by the town council and its agents and/or inspectors. (Ordinance 2006-017, sec. 152.02(A), adopted 8/1/06)

Sec. 3.13.005 Appeals and variances

(a) Authorization to hear appeals and grant or deny variances. There is hereby created a sign board of appeals which shall have the following power and authority:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the code enforcement officer or building official in the enforcement of this article;

(2) In appropriate cases and subject to appropriate conditions as set forth below, to grant variances from the size, spacing, height, setback, location and other requirements set forth in this article;

(3) To authorize the alteration or reconstruction of a nonconforming sign provided such reconstruction does not, in the judgment of the board, increase the degree of nonconformity of the sign and that the long-term goal of bringing signs into conformance is achieved; and

(4) To permit the use of potential sign exceptions (e.g., use of logos or variations in size as referenced in section 3.13.131(8)) where authorized by this article, and where the board determines after a public hearing that the sign will not have a significant adverse impact on traffic or pedestrian safety, or on the use or enjoyment of adjacent properties.

(b) Basis and rules for appeals. In order to grant a variance, the board must find that:

(1) The requested variance does not eliminate any requirement of this article and does not allow any prohibited signs.

(2) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity. The hardship is peculiar



to the property of the applicant and not due to the general conditions of surrounding properties. (Note: A hardship is intended to include a change in elevation, a curve in a roadway or other substantial physical element which obstructs sign visibility.)

(3) Economic gain or loss is not the sole basis for finding a hardship or granting a variance.

(4) A variance would not create an unnecessary hardship upon another parcel of land or business entity occupying such land.

(c) Applicability of variance. A variance applies only to the particular sign for which it was granted. Any subsequent change to that sign terminates the variance. Any change or alteration of a sign requires a new permit without consideration of any prior variance or prior ordinance.

(d) Application. A property owner or authorized agent may initiate a request for an appeal or a variance by filing an application in writing with the building official using forms prescribed for that purpose. The application for an appeal must be received within ten (10) days after placement of a letter in U.S. mail addressed to the address on the application or to the address of the current owner of record in the county tax records which contains the written decision rendered by the town that is being appealed. The application for a variance shall be accompanied by a site plan, drawn to scale, showing the dimensions and an illustration of the sign or proposed sign. The board may require other drawings, pictures, copies of the permit application or other information necessary to an understanding of the sign, the property site and the relationship to surrounding properties. The applicant shall pay a fee as established by the town at the time the application is filed. The board shall hear and determine the appeal or application for a variance as soon as practicable after receipt of an application.

(e) Designation of appeals board. The zoning board of adjustment for the town is hereby designated to serve as the sign board of appeals.

(Ordinance 2006-017, sec. 152.14, adopted 8/1/06)

## Parker Sign Ordinance

- **CHAPTER 10.13 - Signage Within Streets and Sidewalks**

- **10.13.010 - Intent and purpose.**

The purpose of this Chapter is to promote the public health, safety, and welfare of the Town and its residents and visitors by establishing standards for the installation, construction, placement, maintenance and operation of signs in the streets, sidewalks, and public rights-of-way in the Town of Parker, all of which are subject to the provisions of this Chapter. The primary purpose of the Town's rights-of-way is to provide safe and efficient transportation and access to and for vehicles, bicycles, pedestrians, and other modes of transportation within and throughout the Town, and the intent of this Chapter is to accommodate communication and expression while maintaining the purposes of the Town's rights-of-way. More specifically, this Chapter is intended to:

- (1) Promote, maintain, and protect the aesthetic and visual quality of the street corridors in the Town through the reduction of sign clutter and the encouragement of high-quality sign design;
- (2) Eliminate obstructions to the safe passage of vehicle, bicycle, and pedestrian traffic along the streets and sidewalks in the Town;
- (3) Minimize distractions to motorists resulting from the proliferation of signage within public rights-of-way;
- (4) Ensure the effectiveness of warning, safety, and wayfinding signage placed by the Town and other governmental agencies within public rights-of-way;
- (5) Assist the Town and other governmental agencies with their responsibility to operate and maintain public rights-of-way in good repair;
- (6) Establish the legal rights and authority of the Town and other governmental agencies that own or operate public rights-of-way within the Town; and
- (7) Protect the rights of members of the public to utilize public spaces for the purpose of free speech and expression.

(Ord. 5.77 §1, 2016)

- **10.13.020 - Signs prohibited in rights-of-way.**

It shall be unlawful for any person, firm, corporation or local entity other than the Town or other governmental agency to install, construct, affix or locate upon any public right-of-way, or any portion thereof, any sign, including any commercial sign that is handheld or affixed to any article of clothing or otherwise held by or attached to any person, except as permitted by this Chapter. Any noncommercial sign that is handheld or affixed to any article of clothing or otherwise held by or attached to any person upon any public right-of-way, or any portion thereof, shall not be a violation of this Chapter; provided that such person and/or signage does not violate Subsections [10.13.040](#)(d) and (e) of this Chapter.

(Ord. 5.77 §1, 2016)

- **10.13.030 - Definitions.**

Terms not defined in this [Chapter 10.13](#) shall have the same meanings to which they are ascribed in [Section 13.09.030](#) of this Code.

(Ord. 5.77 §1, 2016)

- **10.13.040 - Sign standards.**

(a) The sign standards contained herein do not apply to Section 10.13.080 herein.

(b) Signs must meet the standards and restrictions for "Temporary Signs," as such term is defined in Section 13.09.030 of this Code and shall meet the standards set forth in Subsections 13.09.060(d) and (e) of this Code.

(c) Permitted sign types include "freestanding," "portable" and "sandwich board" signs, as such terms are defined in Section 13.09.030 of this Code; provided, however, sandwich board signs are permitted only within the Historic and Pikes Peak Districts of the "Greater Downtown District," as such term is defined in Section 13.04.110 of this Code.

(d) No sign shall block, otherwise obstruct, or be attached or affixed to any portion of any sign or other traffic control device constructed, installed, or placed by the Town or other governmental entity.

(e) No sign shall block, obstruct, or otherwise interfere in any way with the free and unobstructed movement of vehicle, bicycle, or pedestrian traffic within or along any street, sidewalk or right-of-way, or with maintenance of any street, sidewalk, or right-of-way by the Town or other governmental entity.

(f) No sign shall be illuminated.

(g) No commercial sign may be displayed outside the hours of operation of the registrant's enterprise or the hours at which the event or other matter advertised by the sign is open and accessible to the public, and such signs may not be displayed in any location more than one (1) mile from such enterprise, event or other matter advertised.

(h) No sign shall be displayed within ten (10) feet of any other sign subject to this Chapter.

(i) Any sign that is prohibited pursuant to Subsection (f) above shall be prohibited.

(Ord. 5.77 §1, 2016)

- **10.13.050 - Additional sign standards; sandwich board signs.**

In addition to any applicable standards set forth in [Section 10.13.040](#) of this Chapter and [Chapter 13.09](#) of this Code, sandwich board signs located within the right-of-way must meet the following standards:

(1) Location of sandwich board signs.

- a) Sandwich board signs shall only be permitted on sidewalks that abut nonresidential or mixed-use parcels; provided that the sandwich board sign is located within that portion of the right-of-way adjacent to said nonresidential parcel;
  - b) Sandwich board signs shall be located not more than twenty (20) feet from the edge of the building located on the abutting nonresidential parcel; provided that the sign is located in front of the building and on the sidewalk;
  - c) Sandwich board signs as displayed shall maintain not less than four (4) feet of continuous width of the sidewalk unobstructed so as to permit pedestrian use of the sidewalk, including access for disabled persons;
  - d) Sandwich board signs shall not block business entrances or exits; and
  - e) sandwich board signs shall not block or otherwise interfere with the motoring public's view of pedestrian crossings, intersections, or otherwise create a safety hazard for pedestrians or motorists.
- (2) Number of sandwich board signs. Each parcel upon which an occupied structure is located shall be allowed one (1) sandwich board sign per every ten (10) feet of lineal frontage on the public right-of-way. The property owner or designee of said parcels shall be responsible for determining allocation of said sandwich board signs based upon frontage; provided that ground floor businesses shall be allocated sandwich board signs before any business located above or below the ground floor, except that no business shall have more than one (1) sandwich board sign.
- (3) Configuration of sandwich board signs.
- a) Sandwich board signs shall be structurally sound, durable and weather resistant;
  - b) Sandwich board signs shall not exceed four (4) feet in height;
  - c) Sandwich board signs shall have a maximum area per sign face of eight (8) square feet; and
  - d) Sandwich board signs shall contain the business owner's full name, phone number and address, the provision of which shall constitute the grant of a license to display the sign, subject to compliance with the standards described in this Chapter.
- (4) Sandwich board signs may only be posted during daylight hours.

(Ord. 5.77 §1, 2016)

- **10.13.060 - Additional sign standards; limited-duration signs.**

In addition to any applicable standards set forth in [Section 10.13.040](#) of this Chapter and [Chapter 13.09](#) of this Code, limited-duration signs located within the right-of-way must meet the following standards:

- (1) Limited-duration signs are limited to one (1) sign per business located in the Town and four (4) signs per parcel located in Town that contains a dwelling unit.
- (2) Location of limited-duration signs.
  - a) Limited-duration signs shall be located at least fifty (50) feet from all intersections;
  - b) Limited-duration signs shall be located at least six (6) feet from the edge of the roadway; and

- c) Limited-duration signs shall not be placed in medians, roadways, shoulders or bike paths/lanes.

(3)

Configuration of limited-duration signs.

- a) Limited-duration signs shall be structurally sound, durable, weather resistant, and fastened or anchored sufficiently;
- b) Limited-duration signs shall not exceed five (5) square feet in surface area;
- c) Limited-duration signs shall not exceed four (4) feet in height;
- d) Limited-duration signs shall not have anything attached to such signs, including, but not limited to, balloons, streamers, pennants, lighting or moving parts; and
- e) Limited-duration signs shall contain the owner's full name and address, the provision of which shall constitute the grant of a license to display the sign, subject to compliance with the standards described in this Chapter.

(4) Limited-duration signs may only be posted from 12:00 p.m. on Thursdays through 7:00 p.m. on Sundays.

(Ord. 5.77 §1, 2016)

- **10.13.070 - Removal of signs.**

(a) Notwithstanding the provisions of this Chapter or [Chapter 13.09](#) of this Code, the Town may, without notice, cause the removal and disposal of any sign that, in the Town's opinion:

- i. Creates a danger or hazard to persons or property within the public right-of-way; or
- ii. Does not comply with the standards set forth in this Chapter or any applicable standards set forth in [Chapter 13.09](#) of this Code.

(b) In the event of a conflict between this Chapter and any other applicable provision of federal, state or local law, the more strict provision will govern. The invalidation of any subsection, clause, word or phrase of this Chapter by any court of competent jurisdiction shall not affect the validity of the remaining portions of this Chapter, nor shall any invalidation of this Chapter or any portion thereof affect the validity of [Chapter 13.09](#) of this Code.

(Ord. 5.77 §1, 2016)

- **10.13.080 - Town-owned kiosks.**

(a) Establishment and purpose. There is hereby established the Town of Parker Kiosk Program (the "Kiosk Program"). The purpose of the Kiosk Program is to allow the use of panels on kiosks that are owned and maintained by the Town to provide directional signs to real estate developments within the Town. The Kiosk Program is also intended to prevent the proliferation of unlawful off-premises signs, and to provide a reasonable alternative to off-premises signs that allow interested persons to find developments within the Town.

(b) Process. The Town will develop the process for administering the Kiosk Program by resolution approved by the Town Council. The process for administering the Kiosk Program shall include, but not be limited to, the following:

- i. The style and design of the kiosks, including the size of panels;
- ii. What may be depicted on a panel within a kiosk, including whether to include development logos, homebuilder logos or other logos deemed to be in the public interest by the Town Council;

(3) The process for participating in the Kiosk Program, including the process for obtaining any panel and the location of said panel, the number of panels that may be obtained by any one (1) entity, and other provisions to maximize participation in the Kiosk Program; and

(4) The cost for participating in the Kiosk Program.

(c) Location of kiosks. The Town shall determine the location of the kiosks by resolution approved by the Town Council, which resolution may be amended from time to time based on the best interests of the Town.

(d) License agreement. In order to participate in the Kiosk Program based on the provisions identified by the Town as set forth above, a party desiring to obtain a panel must execute a license agreement in the form approved by Town Council resolution.

(Ord. 5.77 §1, 2016)

- **10.13.090 - Enforcement.**

(a) Enforcement by Neighborhood Services. The Chapter shall be enforced by the Neighborhood Services Division of the Planning Department or its designees, which may include officers of the Police Department or the Public Works Department.

(b) Enforcement Action.

(1) Revocation of license. Any signs found not to be in conformance with this Chapter shall be subject to revocation of the license.

(2) Fines and Penalties.

a. Except as provided by Subsection b below, any person who is convicted of, or pleads guilty or no contest to, a violation of this Chapter shall be punished by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each and every day on which any violation of this Chapter is committed, exists or continues shall be deemed a separate offense.

b. At the sole discretion of the Neighborhood Services Officer, the penalty assessment procedure provided in [Section 3.03.300](#) of this Code may be used by the Neighborhood Services Officer while adhering to the fine schedules below, which are based on number of violations within a twelve-month period:

1. First violation: Fifty dollars (\$50.00).
2. Second violation: One hundred dollars (\$100.00).
3. Third violation: Two hundred dollars (\$200.00).
4. Fourth violation: A summons and complaint shall be required.

(Ord. 5.77 §1, 2016)

**City of Heath**  
**Sections prohibiting Message Board type signs.**

**§ 151.27 PROHIBITED SIGNS.**

(A) *General.* Any sign which is not specifically permitted in §§ [151.30](#) through [151.35](#) below shall be prohibited. Billboards shall not be allowed.

(B) *Obstructing doors, windows or fire escapes.* No person shall erect or display on any site any sign which prevents free ingress to or egress from any door, window or fire escape.

(C) *Obstructing vision/sight triangle.* No person shall erect or display on any site any sign in such a manner as to obstruct free and clear vision at any location, street, intersection or driveway.

(D) *Interference with traffic.* No person shall erect or display on any site any sign which interferes with vehicular or pedestrian traffic as a result of the position, size, shape, movement, color, fashion, manner or intensity of illumination or any other characteristics causing such interference. Nor shall any person erect or allow to be displayed any sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, including, without limitation, signs making use of the words “stop,” “go,” “look,” “slow,” “danger” or any other similar word, phrase, symbol or character, or employ any red, yellow, green or other colored lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.

(E) *Portable signs.* No person shall erect or display on any site any portable sign.

(F) *Certain illuminated signs.*

(1) No sign shall be illuminated to such an intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance to traffic. Moving, flashing, intermittent lighted, changing color, revolving or similarly constructed signs shall not be allowed.

(2) No lighted sign shall be erected or displayed within 150 feet of residentially zoned property unless the lighting is shielded from view of the residential zoned property and indirect light does not exceed one-half lumen measured from any property line of the residentially zoned property.

(G) *Signs projecting on/over public property or public right-of-way.* It shall be prohibited to erect or display any type of sign on or over public right-of-way (R.O.W.) or other public property, unless the same be erected by the city, county, state or other authorized governmental agency, or with the permission of the city, for public purposes.

(H) *Roof signs.*

(1) Any sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building is prohibited.

(2) Any sign attached to a fascia extending above the projection of the fascia shall be prohibited.

(3) The painting or otherwise affixing of signs on a roof is prohibited.

(I) *Signs on utility poles.* No person shall erect or display any sign on any utility pole located upon any public right-of-way or utility easement.

(J) *Political signs on private property.* A person commits an offense if the person displays a political sign on private property unless the person has the permission of the property owner and the sign:

(1) Is not more than eight feet high;

(2) Has an effective area less than 36 feet;

(3) Is not illuminated;

(4) Does not have any moving elements; and

(5) Is not generally available for rent or purchase and/or designed to carry commercial advertising or other messages that are not primarily political.

(Ord. 060518D, passed 6-18-2006) Penalty, see § [10.99](#)



The following signs are prohibited:

- (1) Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal, or devices, or obstruct or interfere with a driver's view of approaching, merging or intersection traffic or pedestrians;
- (2) Except as provided elsewhere in this chapter, signs encroaching upon or overhanging public right-of-way; including, but limited to, signs attached to any utility pole, utility structure, light standard, street tree or any other public facility located within the public right-of-way;
- (3) Signs which blink, flash or are animated by light or any other means except as provided in section 62-14;
- (4) Portable signs except for temporary signs authorized pursuant to section 62-17;
- (5) Any sign attached to, or placed on, a vehicle, trailer or other movable object and placed or parked on public or private property for an extended period of time so as to draw attention to a business, location, product or service;
- (6) A sign consisting of a cloth, paper, banner, flag, device or other similar advertising matter attached to, suspended from or allowed to hang loose from any sign, pole, building or structure, except as allowed by other provisions of this chapter;
- (7) A sign made of paper, paint stencil, or other material and consisting of any name, number (except address numbers) or other text, mark, or graphic on any sidewalk, curb, gutter or street;
- (8) A sign, other than a nameplate sign, painted on or attached to the outside of a fence, railing or a wall which is not a structural part of a building, whether or not on the property line of the property on which the fence or wall is located;
- (9) A balloon, streamer, pinwheel or other floating or motion device anchored to the ground or to any structure, or a sidewalk sandwich board, except those temporarily displayed as part of a special sale, promotion or community event as authorized by other provisions of this chapter;
- (10) Any type of sign or display intended to draw attention or advertise, which is not defined by this chapter shall be prohibited until said sign or display type has been defined by the city council and appropriate regulations regarding said sign or display type has been considered and adopted;
- (11) Roof signs;
- (12) Non-real estate personal property sales signs;
- (13) Off-premise signs except in HI Heavy Industrial Districts; and
- (14) Framed, internally illuminated wall signs.

Sec. 62-14. - Changeable message signs.

- (a) Manual changeable message signs shall comply with the following:
- (1) The manual changeable message portion of a single tenant or multiple tenant sign does not exceed 50 percent of the total area of that sign.
  - (2) Manual changeable message signs shall not be erected over 30 feet in height and shall not be located above the business identification sign.
  - (3) The text displayed by changeable message sign shall be that of an on-premises sign with commercial speech only.
- (b) Electronic changeable message signs must comply with the following regulations:
- (1) One hundred percent of the allowable sign area can be used for individual and multi-tenant monument signs.
  - (2) Electronic changeable message signs shall not exceed 50 percent of the total sign area for all pylon signs.
  - (3) Rolling, scrolling, flashing or image movement is prohibited.
  - (4) Electronic changeable message signs shall be permitted as either an allowable wall sign or an allowable freestanding sign.
  - (5) Electronic changeable message sign shall not be illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance to occupants of surrounding properties or to passing motorists. From dusk until dawn the illumination intensity shall be decreased by a minimum of 50 percent or as approved by the building official, and the background portion of the sign shall be darker than the lettering color.
  - (6) The changing of text or graphics shall phase, fade or dissolve away, then the screen shall have no text, color or graphics for a minimum of three seconds before the new text or graphics shall phase or fades into view.
  - (7) Electronic changeable message signs that are 32 square feet or less in area shall display text or graphics for a minimum of seven seconds before fading to new text or graphics. Electronic changeable message signs that exceed 32 square feet in area shall display text or graphics for a minimum of 15 seconds before fading to new text or graphics.

( Ord. No. 3247, § 1, 11-19-2013 )