

ORDINANCE NO. 2019-25

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS GRANTING A **SPECIAL EXCEPTION TO CERTAIN REQUIREMENTS OF THE SIGN ORDINANCE** FOR A SIGN TO BE LOCATED ON DISCOVERY DRIVE BETWEEN DELTA DRIVE AND BRATTAIN DRIVE AT **THE ENTRY TO MERIDIANA SECTION 80**; FINDING FACTS; AND PROVIDING LIMITATIONS, CONDITIONS, OTHER PROVISIONS, A SAVINGS CLAUSE, A SEVERANCE CLAUSE, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

1. Background

The background is stated on the letter of June 25, 2019, requesting this action, the site diagram, and the Letter of Recommendation dated June 27, 2019, all of which are attached hereto and incorporated herein in full.

2. Findings of Fact

The City Council has determined that a special exception should be granted on the terms herein stated, because the facts and circumstances satisfy the criteria in Article II, Section 14,C,1 of the Sign Ordinance, No. 2016-19, as follows:

- a. Special circumstances exist that are unique to the land or the proposed development and that are not generally applicable to all other land or developments in the city or its extra-territorial jurisdiction that justify modification to the standards that otherwise apply;
- b. The proposed special exception will achieve a result contemplated by the standards criteria of the Sign Ordinance;
- c. The modification of the standard requested is not disproportionate to the requirement of the standard, and the modification of the standard is not 33 percent or greater;
- d. The intent and general purposes of the Sign Ordinance will be preserved and maintained; and
- e. The granting of this special exception would not in any way be injurious to the public health, safety, or welfare.

3. Grant of Special Exception

Accordingly, the City Council hereby grants a special exception, on the terms herein stated, to only the above specified requirements of the Sign Ordinance and only as to the above specified violations by the above specified sign.

4. Conditions and Exceptions

This special exception is granted strictly upon the following condition(s):

This special exception does not apply to any future expansion, remodeling, modification, or replacement of the sign described herein or to anything that increases the nonconformity of the sign in any way.

5. Nonwaiver of Immunity

Nothing herein shall ever be construed as a full or partial waiver of governmental immunity, official immunity, or any other immunity of the City or its personnel or agents.

6. Nonwaiver by Nonenforcement

The failure or omission of the City, upon one or more occasions, to enforce any right, obligation, or remedy hereunder shall never be construed as a waiver of the City's right to strictly enforce such right, obligation, or remedy, and the City may resume such strict enforcement without advance notice.

7. Savings Clause

Except as specifically herein provided, all provisions of Ordinance No. 2016-19, and all other ordinances of the City shall remain in full force and effect.

8. Severance Clause

If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this ordinance shall remain in full force and effect.

9. Effective Date

This ordinance shall be effective from its passage and adoption.

PASSED AND ADOPTED ON THIS DATE: July 15, 2019.

CITY OF IQWA COLONY, TEXAS

By: 
Michael Byrum-Bratsen, Mayor


ATTEST:


Kayleen Rosser, City Secretary

ACCEPTED:

GR-M1, LTD., a Texas limited partnership

By: Rise Communities LLC, a Nevada
limited liability company, its authorized
agent

By: 
Matt Lawson, Vice President

Date Signed: 8/2/19

EXHIBIT “A”
ATTACHMENTS



andersonbaron

plan • design • achieve

June 25, 2019

Mr. Dinh V. Ho, P.E.
ADICO Consulting Engineers
211 East Parkwood, Suite 209
Friendswood, TX 77546

RE: Meridiana Phase 3 – Section 80 - Request of Special Exception for Monument Signage

Dear Mr. Dinh V. Ho,

Please accept this letter and associated plan as a submittal for a Special Exception (Article II, Sec 14 – Appeals/Variations/Special Exceptions, C- Special Exceptions) for monument signage being applied to a wall that resides outside the right of way (ROW). The walls are located on either side of Discovery Drive, north of Delta Drive (Section 6) and south of Brattain Drive (approximately 122'). Discovery Drive is an 80' ROW; with 32' of road paving, and a 24' landscape buffer with a 4'-0" meandering concrete walk. Maintaining this ROW setback for the wall and column, as shown in the plans included with the submittal, we are looking for an exception for the placement of the signage. Per the signage guidelines any wall containing signage must be setback 3' from the ROW. Our signage as detailed will be located 3' from the ROW, on a wall that is directly adjacent to the ROW.

In closing we are requesting this special exception to be granted to allow the proposed neighborhood signage to be on a wall that is closer than 3'-0" from the ROW. Total setback from curb to the closest corner of the proposed signage is 27'-3".

Ownership of the wall and signage is:
GR-M1, LTD.
1602 Avenue D
Suite 100
Katy, TX 77493

Please advise at your earliest convenience if you have additional questions or comments regarding this matter.

Sincerely,
Brian Rogers

AndersonBaron

Enclosure

Cc:
Ron Cox, City of Iowa Colony
Jim Sullivan, City of Iowa Colony
Kayleen Roseer, City of Iowa Colony
Rachel Patterson, City of Iowa Colony
Kent Marsh, Marsh Darcy Partners
Brian Aarseth, Rise Communities

5310 harvest hill rd. suite 188 dallas tx 75230

p 469 916 6750
andersonbaron.com

June 27, 2019

Letter of Recommendation

Proposed Special Exception for Subdivision Entry Sign – Sec 80 Meridiana

On Tuesday, June 25, 2019, staff has received a Special Exception Request from Mr. Brian Rogers of AndersonBaron for a proposed wall sign to be placed on an existing subdivision entry wall on Discovery Drive at the Section 80 entry.

BACKGROUND

Most residential sections of Meridiana have subdivision entry signs at one of the main entries into the section. The sign text is the subdivision name which is placed on a masonry stone wall. The actual open face sign text is significantly smaller than the overall sign wall structure. The Planning Commission and the City Council received a similar request for Section 65 in December of 2018. According to the applicant, this sign wall was also installed without catching the 3 feet setback requirement. Meridiana is required to adhere to the City of Iowa Colony Sign Ordinance as a default to their approved Plan of Development.

REVIEW

Table 24 of Section 24 of the City of Iowa Colony Sign Ordinance requires a minimum 3 feet setback for a proposed subdivision entry sign from the street right-of-way property line. The quarter-circle shaped Section 80 subdivision entry signs are located at the property line, on private property without a setback between the subdivision entry sign wall and the property line. The subdivision name, Bell Ridge, is to be located on the sign wall with approximately 3 feet between the edge of the sign text and the property line within a 25 feet wide private landscape reserve near the intersection of Brattain Drive and Discovery Drive, southeast and southwest corners. The subdivision entry sign wall will be approximately 24 feet from the back-of-curb of Discovery Drive, an 80-foot wide right-of-way designated as a Major Collector.

The proposed sign text is approximately 36 square feet in area, the maximum effective area allowed by ordinance. The ordinance is silent relating to a sign placed on a wall, where the wall is the higher priority visually than the sign text. The maximum height of the sign text is 2 feet, 3 inches, within the maximum allowable height of 4 feet. The sign wall height is 5 feet, 2 inches. Proposed materials for the sign text conform to materials allowed. A meandering pedestrian sidewalk is near the subdivision entry sign on both corners.

RECOMMENDATION

Based on the assurances that the applicant is now well-aware of the 3 feet setback requirement for subdivision entry signs and the greater than minimum spacing provided between the back of curb and the existing subdivision entry sign wall, STAFF RECOMMENDS THE SPECIAL EXCEPTION BE GRANTED.



J. Kent Marsh, AICP CUD
Staff Planner for the City of Iowa Colony

