

## Background information:

Texas Department of Transportation (TXDOT) is currently executing the I35E Mayhill project which includes expanding the frontage roads and right-of-ways (ROWs) between Pockrus Page Rd on the South to Loop 288 on the North. TXDOT is requiring the relocation of utilities to the new edge of the ROW. Utilities have had to adopt a variety of strategies to meet space and timeline constraints for the relocations.

The location in question is the frontage along I35E South bound at 2440 I35E Frontage Rd (from Old West Café on the North to the old Goodwill Store on the South). This section of the I35E Mayhill project was a late revision to the TXDOT plan as it was added to the project scope after 100% Adequate plans had been released. During planning stages for utility relocations, the TXDOT Utility Coordinator directed that the electric, water/wastewater, gas, and telecoms with buried and aerial facilities in the area relocate without seeking easement as “there was not time” to do so and meet TXDOT project schedules. In order to accomplish the relocations in the limited space available in the ROW, Denton Municipal Electric (DME) and at least 2 other telecoms are required to install overhead (OH) lines on new poles at the new edge of ROW (still within TXDOT property). To meet TXDOT timelines, the signs must be relocated within the next 4-6 months.

DME OH utility poles are installed 18” off the edge of the ROW, on center. The poles rise generally 28 – 42 feet above the ground and the uninsulated high voltage (13,200V) wires extend from the pole 4 to 5 feet on crossarms. National Electric Safety Code (NESC) and the Occupational Safety and Health Administration (OSHA) require separation of structures and personnel from these wires. The most restrictive of these separations is 10ft to the side for non-electrically qualified workers. During the relocation design process, DME identified 4 commercial signs that are too close to the proposed wire lines to meet the required separation distances. DME is requesting the signs be relocated so that no part of the sign is within 15 feet of the TXDOT ROW in order to meet the 10 foot clearance requirement between to closest OH wire and the signs with some small buffer.

DME and the City of Denton Real Estate division (R.E.) contracted with 7Arrows and Mellow Signs to coordinate with the sign owners and relocate the 4 signs identified in the attached Exhibit 1 such that the signs were placed outside of the 15 clearance zone, and located acceptably for the customer. 7Arrows and Mellow signs were able to work with the sign owners to identify mutually acceptable locations, however when submitting the relocations permits to the City of Denton, the permits were denied.

The permit for relocation of the sign at 2420 S Interstate 35 E, Old West Café was denied. The sign is a legal, non-conforming sign with a larger surface area than is currently authorized in the City of Denton (the City or CoD). Under the current Sign Ordinance, a sign being relocated must follow all current codes and thus the Old West Café sign is no longer compliant with the current Sign Ordinance. The existing sign has a surface area of approximately 300 square feet (8 ft tall x 38 ft wide at the widest point). The sign ordinance limits all new signs along I-35E to 250 square feet of surface area (Section 33.14.2.B.1). The difference between the existing sign and the Sign Ordinance is 50ft or a 20% increase.

DME is seeking a variance to the Sign Ordinance square footage limitation so that the Old West Café sign may be permitted to be relocated. This request meets the requirements of the Sign Ordinance variance request section (section 33.6B.2) in that

- a) the sign is a legal non-conforming sign, approved at the time of installation, that must be removed/relocated on a short timeline (within the next 4-6 months);
- b) granting of the variance will not adversely affect the aesthetics of the highway frontage area but rather will maintain the status quo, and allow the City and State to continue vital infrastructure work; and
- c) the condition requiring the variance is due to actions of the City of Denton (relocating electric power lines) and the State of Texas (widening of Interstate 35E) and not the property owners actions.