



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

ACM: Cassey Ogden

DATE: July 22, 2024

SUBJECT

Hold a public hearing and consider a variance request from Chapter 33 Signs and Advertising Devices of the Code of Ordinances, specifically Section 33.14.2(b)(1) as it relates to the maximum effective area and maximum height of a ground sign permitted along I-35 E located on an approximately 0.7-acre property 555 feet from the intersection of Lillian B Miller Parkway and S I-35 E. (V24-0037, DME Old West Café, Matt Bodine)

BACKGROUND

The applicant, Denton Municipal Electric, is requesting two variances from Chapter 33 Signs and Advertising Devices of the Code of Ordinances, specifically Section 33.14.2(b)(1) as it relates to both the maximum effective area and maximum effective height of a ground sign permitted along I-35 E.

The subject property is a single premise along S I-35 E service road approximately 555 feet south of Lillian B Miller Parkway (refer to Exhibit 3 for site location). There is one (1) on-premise ground sign that is legally nonconforming, meaning it was legal when it was approved at installation but is no longer in compliance with the City's current sign standards. Specifically, the sign for the Old West Café has a maximum effective area of 304 sq ft, or 54 sq ft greater than what the current regulations permit. The sign also has a maximum height of 42 ft when measured from the elevation of the principal lane of S I-35 E. The sign is considered legally nonconforming today, meaning the sign was legal when it was approved and installed, but is no longer in compliance with the City's current sign standards.

The Texas Department of Transportation (TxDOT) added the property as a late revision to a current I-35 E widening project, which is explained in greater detail in Exhibit 4. As a result, Denton Municipal Electric (DME) is required to install overhead power lines at the edge of the new TxDOT right-of-way that conflict with the existing sign for Old West as well as three other signs on adjacent parcels (see case V24-0038) due to required separation distances between structures and overhead electric lines. DME began the process of relocating the signs by hiring a sign contractor to apply for the necessary permits; however, the permits were denied due to conflicts with Section 33.14.2(b)(1) of the Code of Ordinances. The City's sign regulations do not contemplate or provide standards for the relocation of existing, nonconforming signs, so a permit had to be sought and reviewed for the installation of the sign at the new locations as though it is new sign. Thus, the applicant is seeking variances from the maximum effective area and maximum height to relocate the existing sign to a new location.

The overhead power lines are a unique condition of the premise, as it is DME's common practice to relocate utilities underground, which would not require relocating the sign. However, due to site conditions and TxDOT's timeline for this project, the lines are being reinstalled overhead. Relocating the sign would not

change the aesthetic along I-35 E since the sign has been in existence on the property since before 2001 and literal compliance would cause the property owner to lose their existing sign. The actions causing the need for the variances were made by TxDOT and the City of Denton via DME and are not those of the property owner.

	Current Regulations	Proposed	Difference
Maximum Effective Area of Ground Signs Permitted along I-35 E	250 sq. ft.	304 sq. ft.	+54 sq. ft.
Maximum Height of Ground Signs Permitted along I-35 E	40 ft.	42 ft.	+2 ft.

A full Staff Analysis is provided in Exhibit 2.

OPTIONS

1. Approve as submitted.
2. Approve subject to conditions.
3. Deny.

RECOMMENDATION

Staff recommends approval of the request for two variances to allow for the relocation of an existing sign that is 54 feet over the maximum allowed effective area and 2 feet over the maximum height because it meets all of the criteria for approval in Section 33.6 of the Code of Ordinances.

EXHIBITS

1. Agenda Information Sheet
2. Staff Analysis
3. Site Location Map
4. Applicant Project Narrative
5. Relocated Old West Cafe Sign Design Details

Respectfully submitted:
Tina Firgens, AICP
Deputy Director of Development Services/
Planning Director

Prepared by:
Matt Bodine
Assistant Planner