

**Planning and Zoning Board Meeting
November 2, 2021
Summary of Item 8.a**

8. Public Hearing – Quasi-Judicial

**8.a P16-042-A1 - Tradition Master Sign Program Amendment
No. 6**

Chair Beutel asked if any members had ex parte communications, to which the Board responded in the negative.

Daniel Robinson, Planner, stated he was sworn in and the official file was submitted to the Clerk prior to this hearing. He asked the Clerk to enter the file into the record.

Planner Robinson presented a PowerPoint presentation on this project. He stated the applicant has proposed adding four updates to the existing Master Sign Program and not amending the entire document.

Planner Robinson indicated the property consists of Tradition, Wesley Grove, Southern Grove, and Developments of Regional Impact. He said the property is located west of I-95, east of Range Line Road, south of Crosstown Parkway, and north of Becker Road. He stated the area has a New Community District future land use and a Master Plan Unit Development zoning designation.

Planner Robinson stated the applicant's four proposed updates are:

1. Locating the T-sign on the north side of Village Parkway, just west of I-95.
2. Adding a Digital Display Kiosk with twelve (12) along Tradition Trail.
3. Changing the existing Building Facade signage section of the program. The applicant is proposing a different calculation requirement, based on the square footage of the business and not the linear frontage.
4. Adding a section that will permit either a second monument sign or a single larger sign, when the site has more than one road frontage.

Planner Robinson noted the Comparison Chart indicates the changes compared to the existing program and the City's Sign Code. He showed the Board examples of the T-sign and Kiosk signs proposed along the trails.

Planner Robinson stated the applicant held a public meeting. He noted this was not a full amendment of the program. He said that to bring the Sign Program into compliance with required content based regulations, the applicant has proposed adding this amendment to accommodate the users and developers. He stated the conditions already added to the ordinance have been agreed upon by legal, staff, and the applicant.

Planner Robinson stated that Planning and Zoning staff recommend the additional condition be added to the ordinance, so the Digital Display Kiosk signs are placed away from the streets to not distract drivers and are not located within any conservation areas.

Member Piechocki questioned the meaning of "away" and how it differed from the last presentation. Planner Robinson explained that it was the same concept, but the Kiosk is pushed back away from the road when the trail comes up to the road. He said staff was not requiring a specific distance, because no studies have been done.

Member Piechocki inquired if City staff or the developer had done any studies over the intervening thirty days on the causal relationship of cars going by and potentially being distracted. Planner Robinson stated that he emailed a study to Member Piechocki, but also asked the applicant to provide it during their presentation. Planner Robinson said that City staff has not done any studies as of now and will look into that as requested by the Board for the digital signage.

Member Piechocki asked if the Board will be expected to approve this item this evening without staff having the opportunity to review the study. Planner Robinson stated that staff was not looking into making changes to the Master Sign Program. He said the Board requested that the City Code be researched, which is completely different than what is in front of them today.

Chair Beutel stated they were having a miscommunication right now. Teresa Lamar Sarno, Deputy City Manager, suggested hearing Mr. Garrett's presentation first.

Steve Garrett with Lucido and Associates stated he was representing Mattamy Palm Beach, LLC, the master developer of Tradition, and that he had been sworn in. Before presenting his PowerPoint presentation, Mr.

Garrett provided the Board with hard copies of an analysis entitled, Statistical Analysis of the Relationship Between On-Premise Digital Signage and Traffic Safety by Texas A&M University. He noted that this analysis was emailed along with an American Planning Association document, which is a culmination of multiple studies, analyses, and recommendations to municipalities over a period of 10 to 12 years. He stated the jury is still out, as there are studies that find no increase in traffic accidents relative to digital signs and ones that do.

Mr. Garrett clarified that the applicant is proposing a reduction in the height of the T-sign specifically. He stated that Tradition has a Master Sign Program and this is the sixth amendment. He explained the applicant is amending a small portion of it, because there are some critical needs of signage with the overall development, but specifically with the commercial users within the community. He stated in order to make those amendments, the applicant needs to be compliant with the Reed Decision by the Supreme Court, saying a municipality cannot regulate the content on a sign, but can continue to regulate location, height, how it is lit, the functional aspects, etc. He said if they have to read what is on the sign to determine what type of sign it is, they are in violation, which is why this modification is only taking the critical needs. He stated the applicant is committing via this ordinance to fully rewrite the Tradition Master Sign Program to be content neutral by the date in the ordinance.

Mr. Garrett stated the applicant is amending the four items before the Board tonight. He said he will focus on the T-sign, since it had the most comments and questions. He stated the applicant is proposing the T-sign as it is consistent with the rebranding and logo of Tradition development. He said it is located on the northeast corner of Tradition and Village Parkways. He explained the height started off at the maximum 74 feet, but the T-sign is currently being designed at about 51 1/2 feet. He said, in the ordinance before the Board tonight, it was reduced from 74 to 60 feet, to provide some leeway for other design components. He stated that 11 1/2 feet of the sign is the water feature itself, and about 10 feet of the actual vertical sign component is base that is not illuminated, which leaves about 30 feet of the actual sign or the illuminated portion.

Mr. Garrett showed the Board a visual representation of actual heights that exist with a view looking west on Village Parkway and Tradition Parkway approaching Village. He also presented, as a scale of reference and to address some residents' concerns and comments, the existing streetlights which are 38 to 40 feet in height and Tradition Hospital which is 150 to 170 feet in height. He said he wanted this information on record and for the

Board's consideration, because similar exhibits were shown to the public as well.

Mr. Garrett stated the City can regulate the functional aspects, number of signs, location, height, illumination of the digital panels, and operational elements, and compared them to the applicant's proposed T-sign. He said the City cannot manage content and what is being displayed on the sign, but the applicant will identify the appropriate organization or entity in which to manage this T-sign, which is currently the Tradition Commercial Association (TAC). He explained they will produce a document that gives the Board an idea of the specific elements that will be included, its intended use, what could be displayed on it, etc. But more so, will put into a policy a defined process on how to address complaints or issues as they arise. He said they will also clearly define that the TAC will provide enforcement and have the appropriate signage at the plaza that identifies the contact information on who those questions, issues or complaints need to go to, and then how that will be addressed and communicated back to the City.

Mr. Garrett concluded his presentation by saying that Tradition has a Master Sign Program and as a development has been the test case for a lot of signage over the last 10 to 15 years. He explained the Culver's digital sign did not exist before and there were no regulations within the City that would allow it, control it, or manage it. He said that kind of set the course for how the City could incorporate and manage its own digital signage needs.

Mr. Garrett stated the T-sign being proposed will be the only T-sign within Tradition. He said it will be appropriately located at the Gatlin/Tradition Parkway main entrance. He stated the applicant feels they are putting the process in place to address issues as they arise. He said this will be a sign of the times as they move into the future and a great example for Tradition to test the issues in a manageable way. He stated that, in turn, as the City receives more of these requests and wants to pursue or adopt similar elements within their own sign code, this would be a good learning experience.

Member Taylor-Moore questioned if the City could control how the content is presented, for example, how long it can stay on the screen, to which Mr. Garrett responded in the affirmative. He stated he has worked diligently with Elizabeth Hertz, Deputy City Attorney, in understanding how they should address the Reed Decision and he believed it was the messaging within the sign. He said if they have to read the sign to understand what type of sign it is, then it is a violation. He stated the functional aspects of it, the images being changed, the timing and frequency, a lot of that is included in the current Tradition Master Sign Program with respect to the Culver's

digital sign. Member Taylor-Moore stated she thinks it is a safety issue if people have to spend time watching the sign for things to flash through.

Member Piechocki asked Mr. Garrett to summarize the study that was done regarding the causal relationship of accidents from looking at the signs, etc. Mr. Garrett stated there were 50 pages in one study and 400 in the other, but he would sum up all the studies as a mixed bag. He said some studies say there are increased accidents, and some say there are none, as not all digital signs are created equal. He stated the general consensus of the Texas A&M study and the American Planning Association study is that with the municipalities that have incorporated and dealt with this already that there is no direct correlation. He explained, with that being said, it is not the increase or decrease or net neutral of traffic accidents, as his personal opinion on this sign is that it will be a new element and so they want to have a process in place to deal with the issues and concerns. He said they hoped to get a favorable recommendation from this Board and the City Council. He stated they will live with it and learn from it. He said the master developer is willing and wants to adapt the management of it as needed. Member Piechocki stated he agreed with Mr. Garrett, as he found that the studies were inconclusive.

Member Piechocki inquired if the distance from the middle of the road or pavement has changed since the last meeting. Mr. Garrett stated the distance from back of curb for the position of the sign has not changed, as just the height has changed. Mr. Garrett noted that they were in agreement with the condition. He said the smaller informational digital kiosks associated with Tradition Trail will exceed the minimum ten foot distance from the right-of-way, as signs do in general, but not by more than 15 to 20 feet. He stated that Planner Robinson suggested conditioning or orienting the digital component, instead of wrapping them, toward the seating area.

Member Piechocki asked if there was a standard or if they were developing a standard. Deputy City Attorney Hertz explained they were developing a standard for the communities covered by the Master Sign Program and that is not generally applicable to the City at large.

Member Piechocki asked if the Board was to evaluate this, review it, and approve or disapprove it based on some rules and regulations that may be promulgated at a later date, to which Teresa Lamar-Sarno responded in the negative. She explained the Master Sign Program is like a planned unit development, as it is an agreement that stands alone within a particular area. She said they are able to set their own standards, with the Staff's and Board's review and City Council's approval, outside of their regular sign code. She stated she believed the direction from the Planning and Zoning

Board was for staff to come back with something for the citywide sign code, which is what they can do at this point because it is separate from the Master Sign Program. Deputy City Attorney Hertz clarified that there is an existing regulation with regard to this in the sign provisions within the code, Section 155.03(H), which sets forth the process and procedure for adoption of a Master Sign Program. She stated this is the rule and regulation the Board is applying to this application in order to allow for a varying sign regulation from the general code, similar to when they evaluate a PUD, as there are specific things in the code they look at and then go from there.

Chair Beutel stated she was happy to hear they were moving into the new era with digital signs. She said every time there is a new digital sign or proposal, it has to be considered case-by-case. She stated the T-sign is very unique and one of a kind. She inquired if the review of their industry standard would include looking at digitized signs, so they do not have to review every one going forward City-wide. Teresa Lamar-Sarno stated the intent is to have City staff look at the entire sign code to address digital signs of all types. She said they were hoping to have a draft in front of the Board in January.

Chair Beutel stated she was pleased to hear the City can regulate the length of the message and how long it is there, to maybe help with any safety concerns. She said the digital signs are everywhere and they need to do their best to manage them for safety protocol. She stated the proposed T-sign is beautiful and those involved did a great job.

Member Previte asked if Mr. Garrett considered putting the T-sign on the northwest side, as people would have to cross Village Parkway to get to it. Mr. Garrett explained it was deliberate from the standpoint of just general navigation, as they felt that it was a more appropriate location before having to make a decision to turn. He said it felt like one was still entering Tradition while not in Tradition.

Member Piechocki inquired if it was staff's recommendation that this be approved, to which Planner Robinson responded in the affirmative and stated that the Board could add the condition if they wished.

Chair Beutel asked Planner Robinson to clarify the condition. Planner Robinson read the following: Digital display kiosk sign be placed away from the street so not to be a distraction to drivers and not to be located within any conservation areas. Mr. Garrett indicated they were in agreement with the condition.

Chair Beutel opened the Public Hearing. There being no comments, she closed the Public Hearing.

Member Piechocki moved to recommend approval of P16-0142-A1 Tradition Master Sign Program Amendment No. 6, to the City Council, with the condition in place that the digital kiosk be placed away from the street and conservation areas. Member Previte seconded the motion, which passed unanimously by roll call vote. (**Clerk's Note:** Vice Chair Stephenson was not present for this vote.)