



Memorandum

November 8, 2017

TO: Town Council
Julie Couch, Town Manager

FROM: Israel Roberts, AICP
Planning Manager

SUBJECT: **MAJOR WARRANT FOR OFF-PREMISE ADVERTISING (CASE #MW2017-01)**

BACKGROUND: This is a request for approval of a Major Warrant to allow off-premise advertising on a digital monument sign along Central Expressway. The site is located on the east side of US 75 and north of Murry Farm Road and is zoned for the (CPDD) Commercial Planned Development District with the Urban Village Sub-district. Applicant: Matt Gallo, Lincoln Property Management.

STATUS OF ISSUE: The existing mall area opened in 2010. Since opening, a significant percentage of the available lease space, outside of the 3 major tenants, has remained vacant. Upon request, in December 2016, the Town Council approved a major warrant for a Master Sign Plan for the Village of Fairview as an important aspect of an overall rebranding of the mall area as the Fairview Town Center. Major components of the new sign package included Project and Town identity signage, new monument signs along Central Expressway and Stacy Road, including a 60-foot tall, 660 square foot digital LED display sign.

In accordance with the CPDD Code, the display sign may not change more than once every eight (8) seconds and must be operated with a photometric dimmer that limits the display brightness to 0.3 foot-candles above the ambient light. Off-premise advertising is not permitted under the regulations of the CPDD code.

HISTORY:

As part of the original Master Sign Plan proposal, the owners had requested that the digital sign be permitted to have up to 75% off-premise advertising. After much discussion and debate, the Master Sign Plan was approved, but without off-premise advertising.

CURRENT REQUEST:

With this application, the owners are requesting that this sign be permitted to display off-premise advertisers. According to the applicant's statement (attached), the ability to allow off-premise advertising is an integral aspect of the rebranding effort and the future success of existing and future tenants and makes the sign financially feasible. Examples of off-premise advertisers may include entities such as, official Town sponsored functions, non-profit organizations, events and other businesses.

Additionally, this request maintains the original approved height of 60 feet, however, the digital sign area has been reduced to 328 square feet (660 square feet previously).

PUBLIC INPUT: The town has notified adjacent property owners within 500 feet of the subject site and to date, have received no written correspondence.

P&A ACTION: At the October 19, 2017 meeting, the Planning and Zoning Commission recommended **APPROVAL** with the following conditions:

1. The subject digital monument sign shall generally be development in accordance with the attached exhibits.
2. Off-premise advertising shall be limited to a maximum of 50% and may include items of public interest and service announcements.
3. The percentage of off-premise advertising shall be included in a report, furnished to the Town of Fairview, upon request.

BUDGET: N/A

ATTACHMENTS:

- Applicant's statement
- Exhibits'
- Proposed Ordinance

September 21st, 2017

To: Fairview Planning & Zoning and Town Council:

Re: Application for Off-Premise Advertising on the LED Sign at Fairview Town Center (Fairview, TX)

Improvements at Fairview Town Center are underway. Much of the signage approved last December will be going up in the next 30-60 days. Improvements to "main street" are in progress and the roadwork should wrap up in November. Work will continue on the new and improved interior park/gathering space with an anticipated completion in March 2018.

We have spent a considerable amount of time evaluating the LED sign along Highway 75. This sign was approved last December with the stipulation that the content be limited to on-site advertising. We would like to move forward with the LED sign but believe the ability to conduct off-premise advertising on the sign is critical for the sign to be effective.

With the ability to conduct off-site advertising, the sign provides the following benefits:

1. Connects the Fairview Town Center to the community.
 - a. Off-site advertising allows the project to work with not for profits and other non-competing businesses, as well as advertise events and activities involving the Town and its residents. An example would be sponsorships of Candy Canes for Kids that are not tenants of the shopping center.
2. Broader content base.
 - a. An effective and useful sign requires ample content. If the content on the sign is always the same, people tune it out and it

has no impact. A broader content base keeps people interesting and tuned in. There is not enough on-site content to make an on-going impact on the community.

3. Allows Fairview Town Center to be a good corporate citizen.
 - a. An example of this would be the Center's recent hurricane donation collection drives. These donations went to a charity that was not a tenant or affiliated with the Center.
4. Financial support/feasibility for the sign.
 - a. Fairview Town Center will be able to generate revenue from the off-site advertising that it cannot otherwise generate from its on-site content or other community interests. By allowing the off-site advertising, the LED sign is financially feasible. Consequently, the on-site content (i.e. tenants/uses) at the Center and community uses (i.e. the Town, Fairview residents) have use/benefit of a highly visible, impactful, and effective LED sign that they would not have otherwise had access to.

Consequently, we are requesting that the LED sign be allowed to conduct off-premise advertising up to 100% of its content. Our focus and interest is and always will be in the success of the occupants and uses within the Center first. The maximum flexibility will allow us to ensure that the LED sign is impactful and effective, however.

Thank you for your consideration and please do not hesitate to contact me if you have any questions.

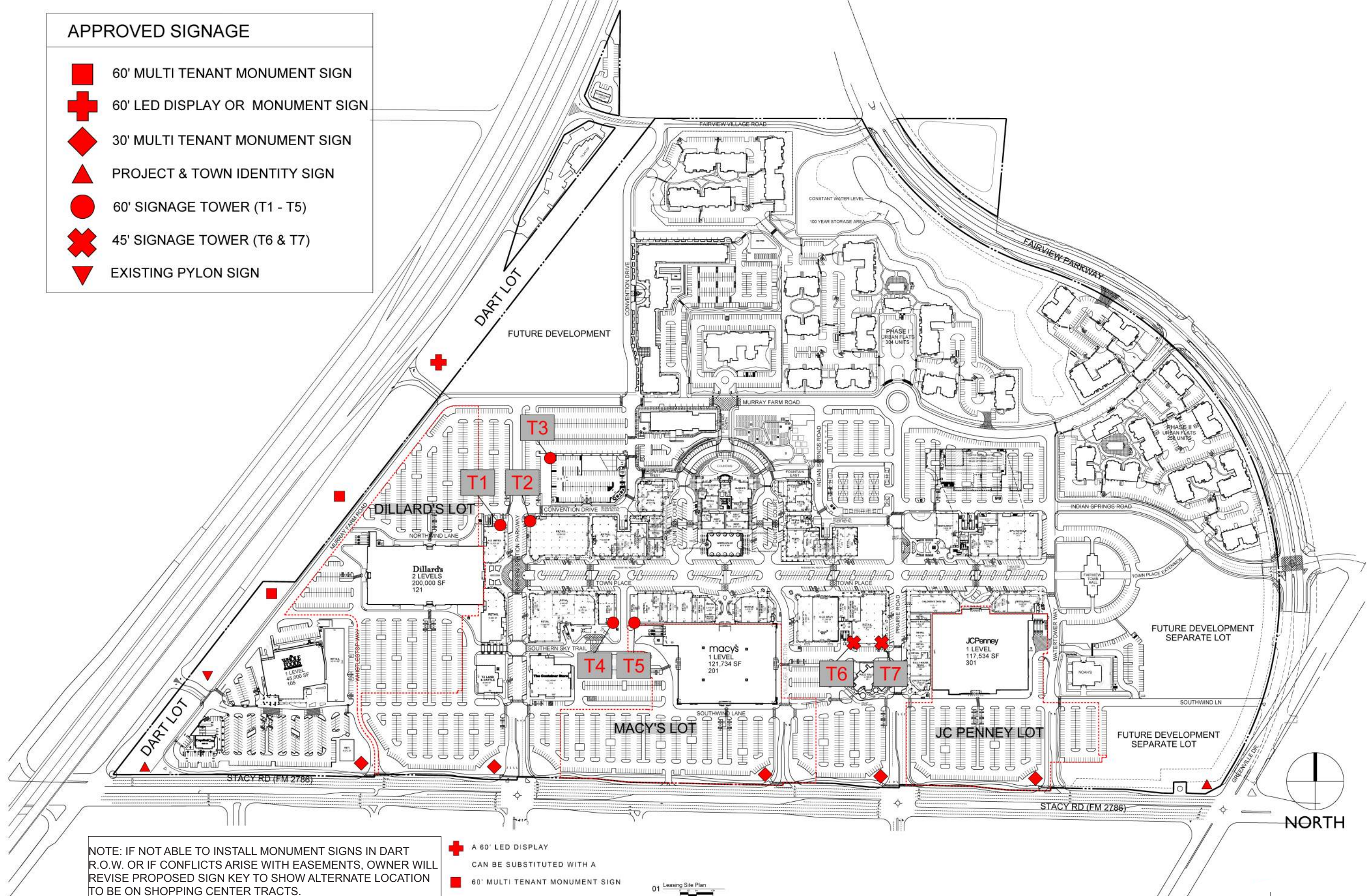
Sincerely,



Matthew Gallo
Senior Vice President
O: 214-740-3482
mgallo@lpc.com

APPROVED SIGNAGE

- 60' MULTI TENANT MONUMENT SIGN
- ⊕ 60' LED DISPLAY OR MONUMENT SIGN
- ◆ 30' MULTI TENANT MONUMENT SIGN
- ▲ PROJECT & TOWN IDENTITY SIGN
- 60' SIGNAGE TOWER (T1 - T5)
- ✕ 45' SIGNAGE TOWER (T6 & T7)
- ▼ EXISTING PYLON SIGN

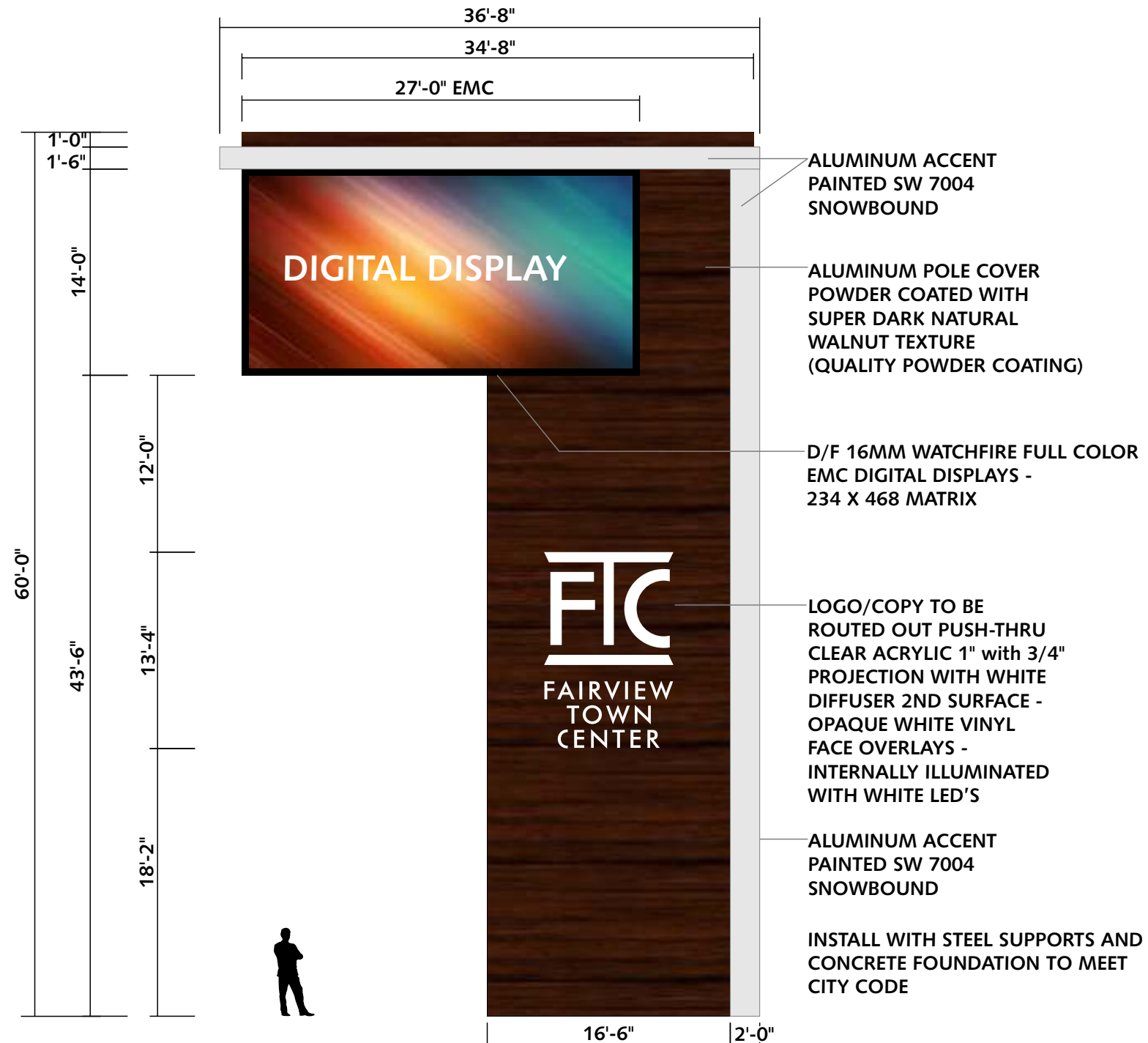


SIGNAGE KEY PLAN

FAIRVIEW TOWN CENTER

FAIRVIEW, TEXAS
09.20.2017





60' MULTI-TENANT SIGN - LED DISPLAY BOARD
 TOTAL SF = 1,387 SF
 SIGNAGE: LOGO SF = 117 SF
 CABINET SF = 378 SF

60' LED DISPLAY OR 60' MONUMENT SIGN



FAIRVIEW TOWN CENTER

FAIRVIEW, TEXAS
 09.20.2017



TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS GRANTING MAJOR WARRANTS FOR A 104+/- ACRE TRACT OF LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF CENTRAL EXPRESSWAY AND STACY ROAD, TO PERMIT OFF-PREMISE ADVERTISING ON A DIGITAL MONUMENT SIGN; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, notice of a public hearing before the Town of Fairview Planning and Zoning Commission was sent to real property owners within 500 feet of the property herein described at least ten (10) days before such hearing; and

WHEREAS, notice of a public hearing before the Town of Fairview Town Council (“Town Council”) was published in a newspaper of general circulation in the Town of Fairview at least sixteen (16) days before such hearing; and

WHEREAS, public hearings to consider Major Warrants on the property herein described were held before both the Planning and Zoning Commission and the Town Council, and the Planning and Zoning Commission has heretofore made a recommendation concerning the Major Warrants; and

WHEREAS, the Town Council finds that the Major Warrants herein effectuated furthers the purpose of development regulation in the town and that it is in the public interest to approve said Major Warrants described herein.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:

Section 1. That the Town Council of the Town of Fairview, Texas does hereby grant the following Major Warrant to permit off-premise advertising for a digital monument sign, attached hereto and incorporated herein, that is generally located at the northeast corner of Central Expressway and Stacy Road, more fully described on Exhibit “A”, attached hereto and incorporated herein, without waiving any other requirements imposed on the subject property by the Town’s CPDD Zoning Ordinance, with the additional condition as follows:

1. The subject digital monument sign shall generally be developed in accordance with the attached Exhibit B.
2. Off-premise advertising shall be limited to a maximum of 50% and may include items of public interest and service announcements.

3. The percentage of off-premise advertising shall be included in a report, furnished to the Town of Fairview, upon request.

Section 2. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a class C misdemeanor and upon conviction be subject to a fine in accordance with the general provisions of the Fairview Code.

Section 3. That the sections, paragraphs, sentences, phrases, clauses and words of this ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this ordinance or application thereof to any person, firm or corporation, or to any circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the Town Council hereby declares that it would have adopted such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. That this ordinance shall take effect upon passage and publication, and it is accordingly so ordained.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, THIS 8TH DAY OF NOVEMBER, 2017.

Darion Culbertson, Mayor
Town of Fairview

ATTEST:

Elizabeth Cappon, Town Secretary

APPROVED AS TO FORM:

Clark McCoy, Town Attorney

EXHIBIT A

LEGAL DESCRIPTION

TRACT 1:

BEING Lot 3R-A, Block A, the Town of Fairview, Collin County, Texas, according to the plat therein recorded in Volume 2016, Pages 253-254, Map Records, Collin County, Texas, recorded April 11th, 2016.

TRACT 2:

BEING Lots 11C and 12C, Block A, Lot 1R, Block B, Lot 1, Block C and Lot 1R, Block D, of The Village at Fairview, the Town of Fairview, Collin County, Texas, according to the re-plat therein recorded in Volume 2008, Pages 518-522, Map Records, Collin County, Texas, recorded September 5th, 2008.

TRACT 3:

BEING Lots 10C and 13C, Block A, of The Village at Fairview, the Town of Fairview, Collin County, Texas, according to the amended plat therein recorded in Volume 2009, Pages 18-22, Map Records, Collin County, Texas, recorded January 23rd, 2009.

TRACT 4:

BEING Lot 5D, Block A, of The Village at Fairview, the Town of Fairview, Collin County, Texas, according to the re-plat therein recorded in Volume 2015, Pages 141-142, Map Records, Collin County, Texas, recorded March 25th, 2015.

SAVE AND EXCEPT that portion within the boundaries of The Village at Fairview Master Condominium, created pursuant to the Amended and Restated Master Condominium Declaration for The Village at Fairview Master Condominium, (the "Master Declaration"), recorded as cc# 20080506000547210 of the Official Public Records of Collin County, Texas, as amended by First Amendment filed 08/04/2008, recorded in cc# 20080804000942470, Official Public Records of Collin County, Texas and Supplemental Declaration filed 09/25/2015, recorded in cc# 20150925001219620, Official Public Records of Collin County, Texas.

TRACT 5:

The Future Development Unit I, Future Development Unit III, Parking Unit I, Parking Unit II, Parking Unit III, and Retail Unit I of The Village at Fairview Master Condominium, created pursuant to the Amended and Restated Master Condominium Declaration for The Village at Fairview Master Condominium, (the "Master Declaration"), recorded as cc# 20080506000547210 of the Official Public Records of Collin County, Texas, as amended by First Amendment filed 08/04/2008, recorded in cc# 20080804000942470, Official Public Records of Collin County, Texas and Supplemental Declaration filed 09/25/2015, recorded in cc# 20150925001219620, Official Public

Records of Collin County, Texas, covering buildings to be built on land located in Collin County, Texas as described in such Master Declaration; together with an undivided interest, appurtenant to each such unit, in and to the common elements in the percentage designated on Exhibit "D" attached to the Supplemental Declaration and the exclusive right to use the limited common elements appurtenant to each unit (as more particularly described in the Master Declaration).

TRACT 6:

BEING Lot 8C, Block A, of The Village at Fairview, the Town of Fairview, Collin County, Texas, Collin County, Texas according to the amended plat therein recorded in Volume 2009, Pages 18-22, Map Records, Collin County, Texas, recorded January 23rd, 2009.

TRACT 7:

BEING Lot 9D, Block A, of The Village at Fairview, the Town of Fairview, Collin County, Texas, according to the re-plat therein recorded in Volume 2014, Pages 654-655, Map Records, Collin County, Texas, recorded December 5th, 2014.

TRACT 8:

BEING Lot 9E – A1, Block A, of The Village at Fairview, the Town of Fairview, Collin County, Texas, according to the amending plat therein recorded in Volume 2015, Page 663, Map Records, Collin County, Texas, recorded November 17th, 2015.

TRACT 9: Intentionally Deleted

TRACT 10:

Being Lots 3C and 17C, Block A and Lot 1R, Block E, of The Village at Fairview, the Town of Fairview, Collin County, Texas, according to the re-plat therein recorded in Volume 2008, Pages 518-522, Map Records, Collin County, Texas, recorded September 5th, 2008.

TRACT 11:

Being Lot 2C - B2, Block A, of NOAH'S OF FAIRVIEW, the Town of Fairview, Collin County, Texas, according to the re-plat therein recorded in Volume 2012, Pages 402-403, Map Records, Collin County, Texas, recorded November 5th, 2012

TRACT 12: Intentionally Deleted

TRACT 13:

Non-exclusive rights defined in and created by that certain Private Road Crossing Agreement by and between Dallas, Garland & Northeastern Railroad, Inc., and Big Horn Partnership Fund, Ltd., dated 12/9/1999, filed 12/13/1999, recorded in Volume 4561, Page 2386, Land Records of Collin County, Texas, as affected by unrecorded Letter

Agreement executed by Dallas, Garland & Northeastern Railroad, Inc., dated 2/29/2000. Also as affected by Acknowledgment executed by Dallas Area Rapid Transit, dated 08/09/2005, filed 08/19/2005, recorded in cc #2005-0115835, Land Records of Collin County, Texas.

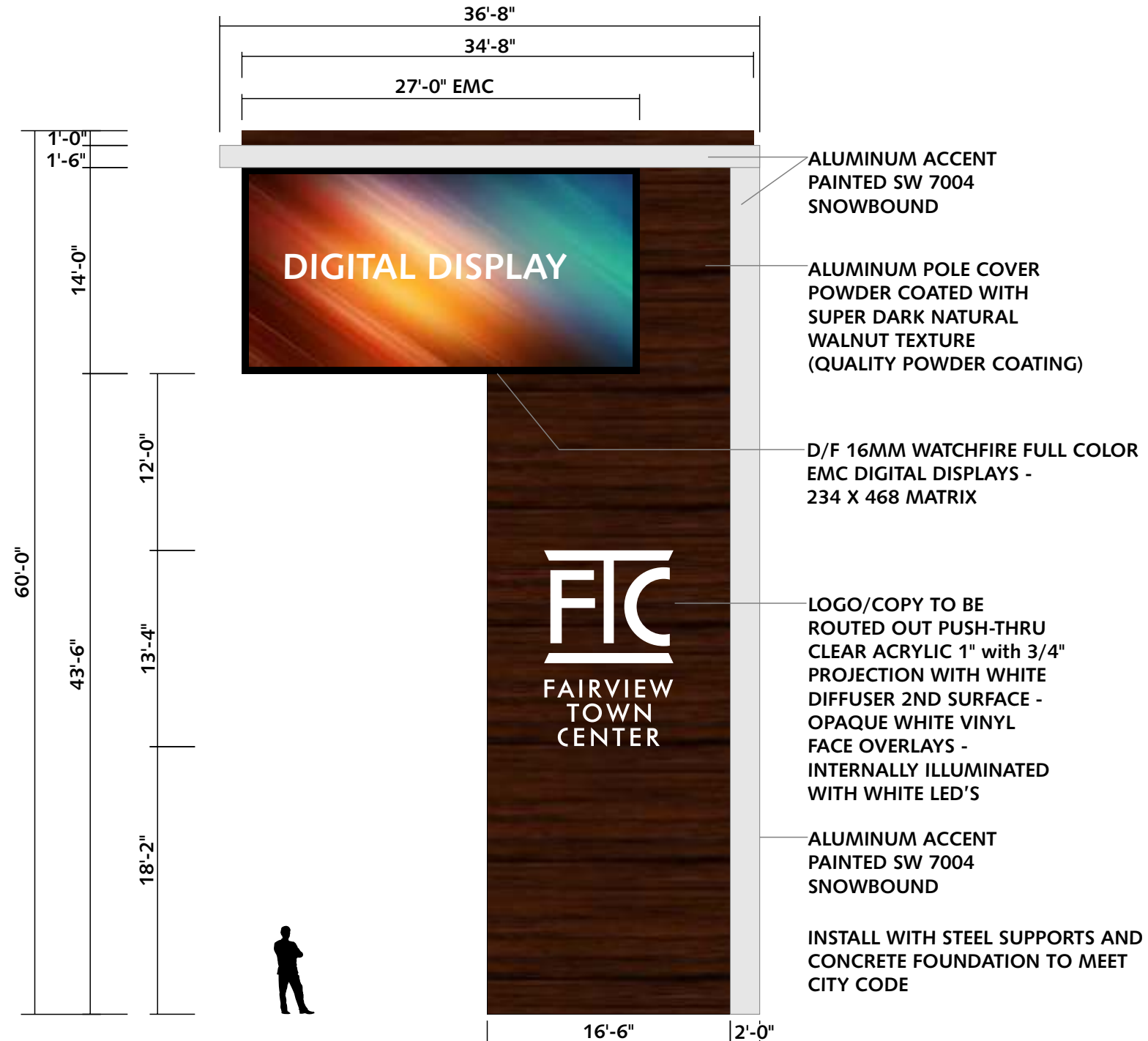
TRACT 14:

Non-exclusive easement rights pursuant to that certain Construction, Operation and Reciprocal Easement Agreement, dated 09/30/2008, by and between The Village at Fairview, LP, Dillard Texas, LLC, J.C. Penney Properties, Inc., Macy's Retail Holdings, Inc., VF Peripheral LLC and VF Residential LLC, filed 10/01/2008, recorded under cc# 20081001001170950, Real Property Records, Collin County, Texas. Together with Memorandum of Supplemental Agreement filed 10/01/2008, recorded under cc# 20081001001171000, Real Property Records, Collin County, Texas. First Amendment filed 01/23/2009, recorded under cc# 20090123000070620, Real Property Records, Collin County, Texas.

TRACT 15:

Non-exclusive easement rights pursuant to that certain Grant of Easements, dated 09/30/2008, by and between The Village at Fairview LP, Dillard Texas, LLC, J.C. Penney Properties, Inc., Macy's Retail Holdings, Inc., and VF Peripheral LLC, filed 10/01/2008, recorded under cc# 20081001001170970, Real Property Records, Collin County, Texas. First Amendment filed 01/23/2009, recorded under cc# 20090123000070630, Real Property Records, Collin County, Texas.

Exhibit B



60' MULTI-TENANT SIGN - LED DISPLAY BOARD
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