

BUILDING AND STANDARDS MEETING
Monday, August 23, 2010

STATE OF TEXAS §
COUNTY OF TARRANT §
CITY OF BEDFORD §

The Building and Standards Commission of Bedford, Texas, met in work session at 6:00 p.m., and regular session at 6:30 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive, on the 23rd day of August, 2010, with the following members present:

Randy Youngs	Chairman
Ron Owens	Co-Chair
Pamela Camp	
Wilma E. Clemmons	
Harold Knorr	

This attendance constituted a quorum.

Staff present included:

Russell Hines	Building Official
Charlotte Nadin	Development Department Secretary
Tommy Peterson	Code & Inspections Manager
Bill Syblon	Development Director

REGULAR SESSION 6:30 P.M.

Regular session began at 6:40 p.m.

CALL TO ORDER

Chairman Randy Youngs called the meeting to order and reviewed the Building and Standards procedure statement with those in attendance. This statement covered the meeting format and procedure for the evening. This information is shared prior to each meeting held by the commission.

The Chairman reviewed the next item, which was the election of Chair and Co-Chair.

ELECTION OF CHAIR AND CO-CHAIR

It was the consensus of the commission that Randy Youngs and Ron Owens retain their positions as Chair and Co-Chair, respectively. The motion was made by Harold Knorr and seconded by Pam Camp. The vote was unanimous: 5-0-0.

The Chairman then addressed the next item, which was the approval of minutes.

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APPROVAL OF MINUTES

The minutes from January 4, 2010 were reviewed. Chairman Youngs then asked if there was a motion regarding the minutes. Wilma E Clemmons made the motion to accept the minutes as written. Pam Camp seconded. The vote was unanimous. 5-0-0.

Chairman Youngs declared the motion approved.

OLD BUSINESS

There being no old business, new business was addressed.

NEW BUSINESS

Chairman Youngs addressed the first item of business:

- 1. Variance request B10-001. Applicant is requesting to allow a video display sign for Daystar at 3901 Hwy 121, Bedford, Texas, which is over allowed square footage and height. The applicant should contact TxDot for any restrictions they may have for special signage. A waiver to the special sign type regulations must be considered by the Building & Standards Commission, Sec. 6-70, (c).**

The Chairman asked if anyone was present representing the City to speak regarding this request. Russell Hines, Chief Building Official for the City of Bedford stepped forward stating his name and title. He then stated the variance request as written, emphasizing that this was a request for a waiver which would have to be granted by the Building & Standards Commission.

Chairman Youngs asked if there was anyone to speak for the Daystar waiver. Charley Schalliol with Sight Enhancement Services addressed the commission and stated that he would be speaking regarding the ability to use a sight enhancement product at the Daystar facility at 3901 Hwy 121. He then introduced Steve McNeil, Senior Engineer with Daystar, who signed in and addressed the Commission. Mr. McNeil gave a brief description of Daystar as not only a national but international television broadcasting network with 125 stations around the United States. He stated that Daystar was the second largest and fastest growing television network in Christian broadcasting in the United States. Daystar has its home base, administrative offices and studio, at the Bedford location.

Mr. Schalliol then took the podium and gave the specifics of the informational sign as an on premise sign. His company was working with Federal Heath Sign Company which would be the company to place the sign on the Daystar property. They are asking for a sign 60-foot in height which would be on a 20-foot grade in differential to the highway so in theory it would be at 40-foot height above the highway. The messages will create visual interest. When they originally made application they were thinking of full animation, but obviously they could not have sound on the sign and they had to reconsider what would be displayed on the sign. Having live action might not be the best use of the sign, but to have messages that say, "Up Next", with a visual, was what they were considering. They felt they would need a sign of that size with the sight enhancement to communicate Daystar's advertisements as a television broadcasting network.

The Daystar representatives had taken into consideration the entry and exit points that the sign would impact on the highway. They would use the three to five second interval of information format. Mr. Schalliol stated that people driving down the highway will see the sign, but if they are not interested in

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the message they will avoid looking at the sign. He made statements regarding studies that had been made of that particular type of sign's affect with traffic. Charley stated that these studies found there was no violations or incidents related to these type signs. He then passed out handouts of information to the commission.

Charley stated the site plan was on the second page of the handout and located where they were proposing to place the sign. The second page also has a picture of what the proposed sign will look like at a total of 405.7 square feet. On the third page is the elevation in regard to the 60 feet with 20 foot differential. The next page has a north bound shot. Residences to the north will be blocked by the tree line with no impact to the residential area. Visual triangles show where the sign would be visible from, including the Walmart parking lot with minimal visibility throughout the corridor. The next page, the blue circles indicate the on-ramp and the orange circles indicate the off-ramp locations in relation to the placement of the sign. The sign does have an automatic dimming element. So that on bright days, it would be appropriate and the automatic dimmer would make adjustments at night.

The Chairman thanked him for his presentation but still wanted to hear the justification for the size and height of the sign. Mr. Schalliol requested to speak on the merits of his application. He replied that he understood the commission was looking at the application for the merits of this type of use. He stated that this type of video sign is atypical for this type of corridor. However, they were seeking to utilize this type of technology for the type of use of this facility. This is a broadcasting facility which needs to have that type of action for the motoring public. He also stated that they didn't need people to exit immediately to their facility. That is why we located the sign on the property where it would have the least amount of impact.

Chairman Youngs stated that the 50 feet already includes the differential for the highway. Mr. Schalliol acknowledged his statement.

The Chairman asked if there were any questions for Mr. Schalliol from the Commission. Pam Camp asked if the only things shown on the sign would be related to their (Daystar's) network. He responded in the affirmative.

Ron Owens asked about the size of the sign. Ron said he didn't think stream video would be allowed, the State highway wasn't going to allow it and asked how the perspective reduced the size of the sign.

Charley stated that TXDot was still somewhat up in the air with their decisions. It varies from corridor to corridor, highway to highway. The TxDot regulations are constantly changing and sometimes contradictory to each other. He cited a couple of examples to the commission and remarked that even if the commission gave its blessing, they would still have to take it to TxDot for their decision.

He stated that he would like the video imaging to be allowed, but if it needs to be reduced he had plans for a smaller sign with him (100 sq ft) less. If the video imaging is asked to be taken off by the Commission, then so be it, he would go with a smaller sign. He was open to the Commission talking with him about what was appropriate for that corridor. The Chair asked if anyone had questions for the city staff.

Russell stepped forward to answer any questions. He spoke to the regulations in the zoning ordinance and sign ordinance, none applying particularly to this case. That was why this was being brought before the commission for their consideration. The actual location proposed shows the sign to be behind the building line, set-back line, within a storm sewer easement. Anything of that manner needs to be approved by a Public Works Director and takes place upon their approval.

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Chairman Youngs asked Russell if along with the permit that meant the Public Works Director would have to sign off on a permit. Russell stated it would be an encroachment agreement that would be signed between the City, Public Works, and Building Inspections. Russell stated he would like to point out that it is a unique case and the zoning ordinance stated that signs are permitted to be ground mounted to monument signs. If there are pole signs, they should be permitted within 25 feet of the frontage roads and this sign meets those requirements. Ron Owens asked if Daystar had a monument sign. It was stated that they did. Ron Owens remarked that if this sign is granted the monument sign would have to be removed. Mr. Schalliol acknowledged that it would be. There were no additional questions for Russell. The Chair asked if anyone from the public wanted to comment on it. There was no one, so the Chair called for discussion.

Chairman Youngs felt one issue that needed to be discussed was the size of the sign, independent of the technology. The issues are that we have the LED; it is not excessively far from the highway, the size and height of the sign, and whether it is appropriate for the size of the sign. The other is this new technology. Pam Camp felt that the commission needed to know what was actually going to be on the sign before they could determine what size sign should be allowed. As clarification the Chairman and she agreed that she was not talking about the content of information but how the information is displayed. She was concerned that what was being displayed with constant movement on the screen would be a distraction for those driving on the highway. The representative offered taking video streaming off the table at this time.

The Chairman wanted to work through the issues one at a time so that the commission could realize that this particular sign issue would happen over and over again and the commission needed to be consistent process when they evaluated things. Ron Owens did not feel there was enough information out there yet to say whether video streaming is or isn't a problem with traffic. He felt any distraction on a highway would create a problem. He felt it would cause someone to have a wreck and possibly sue the City. He didn't think the highway was the place for videos and did not want streaming videos, but he felt static messages were OK. He felt it had to be looked at from the safety issues.

Wilma Clemmons reflected that drive-in movie theaters were first constructed close to the highway. The state highway department made the drive-in movies relocate or be torn down, or not be visible from the highway. She did not want this sign to create the same problem the drive-in movies had back then and felt the signs would be a distraction.

The Chairman felt any waiver the commission might come up with should be required to meet all of the requirements we have for electronic message boards: The time, how fast the messages change, the transition time, as well as luminosity. A dimmer switch should be part of the requirements for electronic messaging boards along with the ability to slow down the message if need be. TxDot regulates that to some degree and so does our ordinance.

After a brief discussion, the commission began looking at specific sections of the sign ordinance. Ron Owens asked Dan Boutwell if he had any comments. Dan Boutwell, of the Municipal Planning Resources Group, who is the City of Bedford's Planning Consultant, stepped to the podium and identified himself. Dan suggested they look at the application. He mentioned that the sign was described as a video display or electronic graphics display sign and that those signs had definitions, which fit the definition of what you are talking about, static images. He suggested that they limit it to that definition and apply to that some of the criteria for electronic graphics display signs. Then allow the applicant an opportunity to actually give you their criteria for what they are proposing... the brightness, etc.

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Dan stated that their application is for an electronic graphic display or video display. Video display is not what you want. You want item "B" which is the electronic graphic display signs. This is what you want. We have a definition on page 3 of 19 that gives the definition of these three and the electronic graphic display sign is what you want. The electronic graphic display sign does not have any standards provided to it, so by making a waiver limiting it to the electronic graphic display sign and applying the criteria found in number 4 of "Message Board Signs" you will have what you need. Then, let the applicant give you their criteria on lighting and standards of luminosity. They might be able to show some merit for theirs. The Chairman asked if there was anything else needed to be discussed by Dan. There was not, so Dan was excused.

Ron Owens shared that any issues with the dimmer control would be directed by the public, through complaints to the City and that most of those signs have the capability to be programmed with a light schedule on a 24-hour basis relating to the intensity of what the sign is putting out..

The Chairman asked if there was anyone that wanted to speak to these issues for the applicant. The Chairman asked Mr. Schalliol what kind of criteria was being proposed for the sign. In speaking with the client Mr. Schalliol discussed various options and at this time wanted to amend his request to go down to a three-second rated change which would put them in compliance with Section 6-70 "Special Sign Types" Section 2. Pam Camp stated that the State regulations required eight seconds. Every three seconds would be one view per pass of the sign, unless you happen to catch it in a transition.

Mr. Schalliol remarked that Ron was correct in his statement and that internal dimmers were built in the sign. The Chairman asked if there were any questions or statements and Dan Boutwell stated that the Chairman might want, as part of the motion, to have a statement about the dimmer being provided.

The discussion regarding content ended and the Chairman asked if there were any questions regarding the size and height of the sign. Mr. Knorr stated he would like to see it reduced as part of a safety factor, so traffic moving at 60 miles an hour, would have a shorter viewing factor before drivers were distracted from the highway.

Ron Owens asked what the proposed size of the sign was for graphic display. Charley stated it was 300 square feet. Ron Owens asked if it was for static. Charley responded that it was. He informed the Commission that they had a study done at 200 square feet with the speed of traffic. They took into consideration the speed of the traffic, having the message clearly legible and noted they either take interest or avoid it, not overcomplicating the traffic.

Discussion of the size and height continued in comparison to other signs on the highway, most of which were around 200 square feet, including a church and Wacovia bank. The Chairman had mentioned earlier that the sign was originally presented at 450 square feet and then re-presented for this meeting at 300 square feet. The Chair recommended the sign stay within the ordinance regulations, around the 200 square feet. Russell stepped forward to the podium and spoke about the set-back allowance which allows the size of the sign to be increased over 200 square feet because of the set-back. The Chairman referred to the large Walmart sign as a reference as to what Russell was talking about. The large Walmart sign was on the front of the building which was located at the back of the property and was not as imposing because of how far back from the highway the sign was viewed. There are no other signs this large located currently in the city.

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Pam asked what the set back was. Ron speculated around 20 foot set-back. Charley stepped to the podium and stated it was 20 foot to the lower lane and 35 to 50 foot from the elevated lane. He stated that if Daystar was going to use pictures and have a non-grainy or non-pixelated appearance to the sign, they needed to have something clean and crisp. That was why they were asking for a larger sign. He stated that the type of network broadcasting business Daystar had was changing every hour, unlike the Wal-Mart that is always there and people know it is there.

The Chairman asked if there were additional questions from the commission. There were none. A discussion for a potential motion began. Elements were reviewed. First, any sign would have to meet the normal standards required for permitting by the City and city staff. Second, it would have to have the Public Works Director's approval, and third, it has to meet requirements from Texas Department of Transportation. The ordinance allows 50 feet, 300 square feet, and the recommendation is for 60 feet, 300 square feet. The commission decided to look at and deal with the height and size of the sign first. The content would not be dealt with how the information is presented or displayed.

Wilma Clemmons wanted to make a motion that the sign not be approved as presented due to the questions that we would like clarified first. If they brought the information back to the commission then they could approve or disapprove. She also hadn't seen any merit for this sign. Wilma E. Clemmons motion:

Motion:

Disapprove the sign as presented.

Pam Camp seconded the motion. The Chairman stated the motion is to disapprove as written. Discussion of motion began.

Feedback from each Commissioner was considered. They needed to look at the time involved in approving or denying the waiver. The issue is whether to disallow what had been presented. Pam Camp understood what Daystar was trying to do and its concept. She felt that was not the issue before the board. The sign as written might not work. She asked Ron for his opinion.

Ron simplified. To look at the sign, forgetting the video part, the sign would display a picture that would change every now and then. We should deal with the size and the height of the sign. Yes there is an issue and he was right about the pixelization and size of the sign. The merit was because of the pixelization and being able to see that. He felt that rather than abandon what we have done already, we needed to address the size and height issue. The Chair reminded the commission that the issue at present time was the motion and the second. The motion is to deny it right now. What I hear you (Ron) saying is that we should actually go through and set some criteria that would be acceptable. Ron and the Chairman agreed that criteria would be the way to go. Should the motion be "deny it" and not set any criteria.

The Chair stated that on one side was the thought to deny it right now and the other is to go forward with determining the size and height. If the motion fails, it doesn't mean we can't do it again in ten minutes. He felt they should try to come up with specific criteria with decisions based upon the ordinance. After a brief discussion, the Chairman called for a vote on the motion as presented. Wilma

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Clemmons and Harold Knorr voted to approve the motion Randy Youngs, Ron Owens, and Pam Camp voted to reject the motion. The motion was denied.

Chairman Youngs remarked that the vote means the motion did not pass and the commission can discuss another motion or an issue. A discussion on the height, width and square footage of the sign resumed. Ron reminded them that the ordinance is there for a reason. Ron asked for the pixel size. Charley did not have that information available. He felt the research could be done with his company to find the correct pixel size. The discussion continued including moving the sign and the elevation in relation to the highway. The commission decided to separate the motion into height and size only, and then decide the rest of the motion after this vote. There was no more discussion. The Chairman called for a motion. Ron Owens made the following motion.

MOTION:

For the sign to be 50 ft tall and 250 square feet.

Pam Camp seconded the motion. Dan Boutwell discussed the possible elements of the motion with the commission. There was a brief discussion and the Chair then called for a vote. 5-0-0. The vote was unanimous for the height and size waiver.

Dan stepped to the podium. You may want to move to approve the application as an electronic graphic display sign; applying the standards of Item 4 of message board signs, contingent on the sign being reduced to the size of 250 square feet with the 50 foot height limits and automatic dimmer. Of course, that is part of your previous motion, because any items dealing with the state highway department, they are going to make.

The Chairman remarked that any waiver does not eliminate the normal permitting process whether city or state. The Chairman called for additional questions. There being none a motion was called for by the Chairman. Pam Camp made the following motion.

MOTION:

That the waiver be granted to the applicant for an electronic graphics display sign. The sign would need to meet the requirements of a message board sign that is Item 4 of our city ordinance, in terms of how the content is displayed or changed. We also have a requirement to keep it at 50 foot in height and no greater than 250 square feet and that the sign would have a dimmer so the luminosity can be changed not to provide a nuisance to the public and all normal permitting required by city or state would have to be met.

Wilma Clemmons seconded it.

The Chairman asked the Commission, Dan Boutwell, and Russell Hines if they concurred with the information provided in the motion. They concurred. Randy wanted it noted that the commission was not creating a precedent about the size, height, or other things because all signs and sites will have different elements. The discussion ended and a vote was called for by the Chairman regarding the motion.

Ayes: Commissioners, Youngs, Owens, Knorr, Camp, Clemmons.

Nays: None

Abstentions: None

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Chairman Youngs declared the motion approved and called for a short break before the next item of business was addressed. Upon their return, before the next item of business was addressed, Chairman Youngs stated that Wilma Clemmons needed to leave due to a prior family commitment, and there still is a quorum present for voting.

2. Variance request B10-002. Applicant is requesting to place an additional monument sign on the property at Reliant Mid-Cities Hospital, 2304 Hwy 121, Bedford, Texas. The number of monument signs requested for this property is three (3). Sec. 6-71, "Free Standing Monuments" requires maximum of two (2) signs.

The Chairman asked if anyone was present representing the City to speak regarding this request. Russell Hines, Chief Building Official for the City of Bedford stepped forward stating his name and title. Russell then read the variance request as stated above acknowledging that it was the Reliant Hospital site on Hwy 121 and Bedford Road.

He stated that the hospital currently had two monument signs and was requesting an additional one. On the site plan is the main monument sign, which is considered to be on the frontage of Bedford Road. By city sign ordinance, one monument sign is allowed on each frontage road. They have met that with the northwest property that faces the frontage road and then the other one on the corner to the southwest which is another main monument sign for the Bedford Road frontage.

The one the applicant is requesting is on the southeast side of the property off of Bedford Road. This is a monument sign with the advertizing of the hospital and direction characteristics. It meets the requirements for the square footage for a monument sign.

The Chairman asked if there were any questions for Russell from the Commission. Ron asked if the other two signs had just the name of the hospital or directional information. Russell stated that the one on the access road has directional information and the one at the corner only has the name of the hospital.

A discussion of the size of the property, how much frontage of the property there was, and the size of the building was made. A variance would be consistent for an extra sign based upon the size of the building at 5500 square feet and the large amount of frontage road. The ordinance allows for modification due to hardship or unique characteristics of the building or site. There is a noted slope to the land so that these signs would blend in and not stand out. The discussion ended and Chairman Youngs called for a motion.

Ron Owens made the following motion:

MOTION:

That we approve the proposed sign variance based on the size of the property, structure, elevation, and for safety. Pam Camp seconded the motion.

Ayes: Commissioners, Youngs, Owens, Knorr, Camp, Clemmons.

Nays: None

Abstentions: None

Chairman Youngs declared the motion approved.

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3. Variance request B10-003. Applicant is requesting a waiver to the special sign type regulations for the McDonald's located at 2100 Central Park Boulevard. This must be considered by the Building and Standards Commission. Sec.6-70, (b).

The Chairman asked if anyone was present representing the City to speak regarding this request. Russell Hines, Chief Building Official for the City of Bedford stepped forward stating his name and title. Russell stated that this was a request for a graphics display sign. The applicant said there would be no movement or motion on the sign, rather there would be static images that would fade or dissolve on screen as the ordinance states.

The Chairman asked if there were any questions for Russell from the Commission. Ron asked what the current square footage for both signs was. Tommy Peterson stated that both signs fell within the requirements per our sign ordinance. They were using the same cabinet of the existing sign, just replacing it with the graphics display sign. Pam Camp asked about the three to eight second changes of advertisement. Russell stated that the Commission would determine that. The Chair stated he had seen a similar sign at Sonic, and there was no problem with it. They talked about the size and height of the sign and the wording of the waiver to allow or disallow the electronic graphic display sign to meet the message board requirements and how the images are displayed per our ordinance.

The Chairman asked if there were any more questions from the commission. There were none. The Chairman then asked if there was anyone to speak representing the sign. There were none. The Chairman called for any additional comments or questions. There being none a motion was called for by the Chairman.

Ron Owens made the following motion:

MOTION:

That the waiver be approved for the electronic graphic display sign. The sign is not to exceed the size of the current sign it is replacing. It should meet the requirements of all that is stated in the sign ordinance regarding an electronic graphic display sign as far as display time, including the dimmer with no change more than 6 inches in any direction and that this waiver would include the normal permitting procedures.

Harold Knorr seconded the motion. The vote was unanimous.

Ayes: Commissioners, Youngs, Owens, Knorr, Camp, Clemmons.

Nays: None

Abstentions: None

Chairman Youngs declared the motion approved.

ADJOURNMENT

The Chairman asked if there was other business to be brought before the Commission. Chairman Youngs determined that there was no further business and called for a motion to adjourn. Pam Camp made the motion. Harold Knorr seconded. The vote was unanimous: 5-0-0.

The Chairman adjourned the meeting at 8:40 p.m.

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Chairman Randy Youngs

Date