



**CITY OF FAIR OAKS RANCH**  
**AGENDA – CITY COUNCIL REGULAR MEETING**  
March 3, 2016; 9:30 a.m.  
Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn

**I. ROLL CALL – DECLARATION OF A QUORUM**

**II. OPEN MEETING**

Pledge of Allegiance.

**III. CEREMONIAL EVENT**

A. Proclamation for Groundwater Awareness Week. *P1*

B. Mayor's Community Spirit Award Presentation to Grace Ramsey. *P2*

**IV. CITIZENS and GUEST FORUM**

To address the Council, please sign the Attendance Roster located on the table at the entrance of the Council Chamber. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda.

A. Citizens to be Heard

**V. DECLARATION OF CONFLICTS OF INTEREST**

**VI. CONSIDERATION/DISCUSSION ITEMS**

A. Approval of a sign variance submitted by DK Signs for Schott's County Store to be located at IH-10 @ Leslie Pfeiffer Road.

- Building Official *P3-P34*

B. Approval of Ordinance amending the Code of Ordinances Chapter 10; Article 10.02; Section 10.02.009 (B)(1) determining the time of water and wastewater impact fees assessment.

- Deputy City Administrator *P35-P38*

C. Approval of Resolution authorizing the development of a wildlife education program and the establishment of a citizen education committee.

- Alderwoman Havard *P39-P40*  
- Alderman Manitzas

D. Discussion of proposing amendments to Chapter 2, Sections 2.06.004 and 2.06.005, of the Code of Ordinance regarding Deer Feeding.

- Alderwoman Havard *P41-P42*  
- Alderman Manitzas

A. Discussion of hand held devices while driving within the City limits.

- Alderman Damstra  
- Chief Rubin

**VII. LUNCH BREAK**

**VIII. REPORTS FROM STAFF / COMMITTEES / COUNCIL**

- 1) Interim City Administrator – TCEQ Preliminary hearing on Wastewater Treatment Plant; Approval of CCNs by Public Utility Commission; and update on revision of Comprehensive Plan and related planning and development issues (MBCO statement of qualifications).
- 2) Council – Requests for City topic needing additional information/research; or, potential consideration for a future agenda.

**IX. CONVENE INTO CLOSED SESSION**

Pursuant to Section 551.101 of the Open Meetings Act, *Texas Gov't Code*, a quorum of the governing body hereby convenes into closed session to discuss the following matter:

Section 551.074 Personnel Matters of the Open Meetings Act, *Texas Gov't Code*, a quorum of the governing body hereby convenes into closed session to discuss and consider candidates for employment in the position of City Administrator.

**X. RECONVENE INTO OPEN SESSION**

**XI. ADJOURNMENT**

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Signature of Agenda Approval: \_\_\_\_\_



I, Priscilla Abrego, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the city's website [www.fairoaksranchtx.org](http://www.fairoaksranchtx.org), both places being convenient and readily accessible to the general public at all times. Said Notice was posted by 5:00 p.m., February 26, 2016 and remained so posted continuously for at least 72 hours before said meeting was convened.

The Fair Oaks Ranch City Hall is wheelchair accessible at the side entrance of the building from the parking lot. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary's office at (210) 698-0900. Braille is not available. The City Council reserves the right to convene into Executive Session at any time regarding an issue on the agenda for which it is legally permissible; pursuant to *Tex Gov't Code* Chapter 551. Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

# ***PROCLAMATION***

## ***City of Fair Oaks Ranch***

**WHEREAS**, groundwater is a vital natural resource that is essential to the health and well-being of humanity and the environment; and

**WHEREAS**, the National Ground Water Association ([www.NGWA.org](http://www.NGWA.org)) has designated one week in the month of March each year, to further water knowledge and protection through education and outreach; and

**WHEREAS**, the NGWA and individual states promote the scheduling of yearly water well maintenance/checkup so that groundwater wells provide quality drinking water for its users; and

**WHEREAS**, Texas is privileged to enjoy abundant amounts of clean, fresh, renewable groundwater, with nearly half of its citizens drawing their daily drinking water from groundwater supplies; and

**WHEREAS**, the protection, management, and conservation of this renewable resource for generations to come is of the utmost importance to every Texas citizen; and

**WHEREAS**, the City of Fair Oaks Ranch utilizes groundwater from the Trinity Aquifer and surface water from Canyon Lake; and

**WHEREAS**, the City of Fair Oaks Ranch's top water priorities are safety and conservation; and

**WHEREAS**, the state Office of Conservation, along with numerous community organizations, as well as state and federal agencies, do hereby acknowledge the importance for continuing public awareness and good stewardship of this natural resource.; and

**NOW THEREFORE** I, Cheryl Landman, Mayor of the City of Fair Oaks Ranch call upon all citizens to observe the week of March 6 - 12, 2016, as Groundwater Awareness Week.

**WITNESS MY HAND AND SEAL THIS 3<sup>rd</sup> DAY OF MARCH, 2016.**

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Cheryl Landman, Mayor

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P. Abrego, City Secretary

# COMMUNITY SPIRIT AWARD

The foundation of Fair Oaks Ranch and its development is based on the initiative spirit of its residents. The spirit continues where residents, expecting no recognition for their good deeds, enhance the City providing a more positive environment. These good deeds, minor or major, benefit their neighbors directly, and indirectly, at no financial cost to the City.

The Mayor's Office recognizes today the initiative taken by

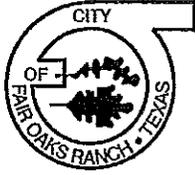
**GRACE RAMSEY**

Grace exemplifies a long-term volunteer spirit and sustaining commitment to the overall betterment of Fair Oaks Ranch. Grace retired after serving fourteen years as a Fair Oaks Ranch Homeowners' Association (FORHA) volunteer. During that time she brought an endless level of energy and exuberance, as Volunteer Coordinator, to the Adopt-a-Highway (AAH) program that kept a 2-mile stretch of State Highway 3351 (Ralph Fair Rd.) looking clean. FORHA began sponsoring the AAH clean-up of Ralph Fair Rd. from the Cibolo Creek Bridge south to the city limits in 2002 using volunteers. In 2006, the quarterly event met challenges, when despite their efforts, keeping up with the litter became daunting and FORHA questioned whether continued support of AAH could be sustained. Concerned residents stepped forward to encourage FORHA to remain engaged while offering to lead a renewed effort to ensure success. Grace made hundreds of contacts to virtually everyone on the Ranch leading to an extensive list of residents willing to volunteer time to AAH or other FORHA sponsored activities. Since then this list has always provided enough manpower to ensure Parks, Trails, Shred Day, Volunteer Appreciation Day and numerous other events are well staffed with community volunteers to accomplish any mission.



\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



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**CITY COUNCIL CONSIDERATION ITEM**  
**CITY OF FAIR OAKS RANCH, TEXAS**

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AGENDA TOPIC: Sign Variance for the Property located at IH-10 @ Leslie Pfeiffer Road.  
START/END DATE: March 3, 2016  
DEPARTMENT: Building Codes  
PRESENTED BY: Jim Earl

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**INTRODUCTION/BACKGROUND:**

On February 9, 2016 Darrell Keller (DK Signs) submitted a variance application for Tract 2, lots 2 and 3, located at IH10/Leslie Pfeiffer Road. The sign variance is being requested because this land sits on the access road right off the highway. The exit ramp is being relocated and visibility is needed to direct customers to the property.

Fair Oaks Ranch Code of Ordinances Chapter 15, Sec. 15.01.010 (B) (iii) a. and Sec. 15.01.010 (B) (v) taken together, allow for two pole/pylon signs with a maximum height of 25', maximum anchor tenant square footage of 75 feet, and maximum cumulative individual business sign square footage of 150 feet with no business sign of over 50 square feet.

On February 18, 2016 Darrell Keller (DK Signs) requested to build and install two signs. Design #03 is 50' tall, with anchor tenant square footage of 77 feet, and two tenant signs of 142 square feet and 144 square feet. Design #02 is 33' tall. City Council decided to table the variance request until March 3, 2016 so DK Signs can prepare an alternative visual rendering of Design #03 to match Design #02. (New Renderings Option 1 and Option 2 are enclosed).

DK Signs has provided several comparable signs that are located in the City and of potential nearby competing business.

**POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

Specific variances being sought, and what the standards for granting the variances are under the Ordinance. The #02 and #03 below correspond to the identifier in the staff report.

1. For #02: 8' variance to max height allowed
2. For Option 1 Rendering:
  - a. 25' variance to max height allowed
  - b. 2 sq ft variance to max sq ft allowed for anchor tenant sign
  - c. 93 sq ft variance to max sq ft allowed for individual tenant sign
  - d. 83 sq ft variance to max sq ft allowed for individual tenant sign
  - e. 126 sq ft variance to max cumulative sq ft for individual tenant sign
3. For Option 2 Rendering:
  - f. 25' variance to max height allowed
  - g. 2 sq ft variance to max sq ft allowed for anchor tenant sign
  - h. 93 sq ft variance to max sq ft allowed for individual tenant sign

- i. 45 sq ft variance to max sq ft allowed for individual tenant sign
- j. 88 sq ft variance to max cumulative sq ft for individual tenant sign

**PURSUANT TO CITY ORDINANCE:**

The city may approve a variance only if it makes affirmative findings, reflected in the minutes of the city council's proceedings, as to all of the following:

**No variance should be granted unless the City Council makes affirmative findings as to all of the following:**

- (1) The variance will not authorize a type of sign which is specifically prohibited by this chapter;
- (2) The variance is not contrary to the goals and objectives outlined by the city;
- (3) The variance is not contrary to the public interest;
- (4) Due to special conditions applying to the land, buildings, topography, vegetation, sign structures, or other unique matters on adjacent lots or within the adjacent right-of-way, a literal enforcement of the chapter would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly-classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement;
- (5) The spirit and purpose of the chapter will be observed and substantial justice will be done; and
- (6) The variance has not been considered by the city council within the past twelve (12) months.

**Conditions of variances:** A variance, if granted, shall be for a specific event, use, or other application of a business and shall not continue with the property. If a variance is granted and the sign so authorized is not substantially under construction within three (3) months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

The requester's answers to the above can be found on the variance request form.

**LONGTERM FINANCIAL & BUDGETARY IMPACT:**

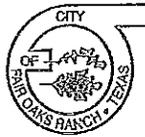
None

**LEGAL ANALYSIS:**

Approved to Form

**PROPOSED MOTION:**

This is a Council policy item for consideration.



# City of Fair Oaks Ranch VARIANCE APPLICATION

Applications must be completed, signed and submitted no later than the 1<sup>st</sup> Thursday of a month with the applicable Non-Refundable Variance Fee, made payable to the City of Fair Oaks Ranch. Incomplete or unpaid variance applications will not be accepted.

Visit the City's website to review the Code of Ordinances: [www.fairoaksranchtx.org](http://www.fairoaksranchtx.org)

TO BE COMPLETED BY STAFF:	CCH# 2362	
Submittal Date: 2-9-2016	Fee Paid: 100.-	Receipt Number: 364388
Completeness Reviewed By: Jim Earl		Date: 2-9-2016
Incomplete Application:		
Return Date:	Reason:	
Completed Application to be considered at a City Council Meeting scheduled: 2-18-2016 @ 7pm		

### APPLICANT

### PROPERTY OWNER

Name:	Darrell Keller - DK Signs LLC	Rodney + Tiffany Schott
Address:	1835 Century Oak Trail	20145 Bandera Rd
City/State/Zip:	San Antonio, TX 78232	Helotes, TX 78023
Daytime Phone:	210-317-9024	210-287-6693
Email Address:	darrell.keller@gmail.com	schott.taxidermy@yahoo.com

### PROPERTY DESCRIPTION

Unit/Subdivision: Tract 2 Lot Number(s): 243 2.10 Acres

Street Address: ZH10 @ Leslie Pfeiffer Rd.

Type of Variance: Sign Variance

Additional page per variance type will need to be completed. Please answer the questions as evidence of compliance and purpose for requiring a variance and attach any supporting documents, illustrations, or photographs.

I certify the preceding information is complete and accurate, and it is understood that I or another representative should be present at all meetings concerning this application.

I am the property owner of record, or  
 I have authorization to represent the owner, organization, or business.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

2/8/16



# Article 15 – Signs

Sec. 15.01.013 Variance. Any person, business, or other organization desiring to continue to construct, reconstruct, place, install, relocate, alter, or use any sign which does not conform to the provisions of this article may make application to the city council for a variance only if your signs permit was denied by the building code official.

Answer the following questions as evidence of compliance and purpose for requiring a variance (attach any supporting documents, illustrations, or photographs), and pay the appropriate filing fee established.

Variance Fee: \$100.00

(1) Is the type of sign requesting specified prohibited in Article 15?  Yes  No  
a) What type of sign do you wish to erect? 2 Signs (1) Free standing by law sign (1) ID/Price Sign

(2) Which section of Article 15 cause reason for this variance? Sec 15.01.010  
a) Reason for your request: Because the 2 signs we are building + installing are larger than the code allows.

(3) Would failure to grant this variance have an effect on the purpose of your request?  Yes  No  
a) If yes, Explain: See attachment INCORRECT

(4) Will this variance comply with the spirit, goals and purpose outlined in Article 15?  Yes  No

(5) Will granting this variance result in conflict of the public's interest?  Yes  No

(6) Are there special circumstances or conditions affecting the land involved such that the strict enforcement of this article would result in unnecessary hardship, and is not merely financial or economic hardship?  Yes  No

a) If yes, Explain: land sits off the highway and they are moving the exit ramp. Need visibility to direct customers to property. Also all competitors within 1 mile radius have Hi Rise signs & ID/Price signs to Maximize height / size.

(7) Have you requested the same variance within the past twelve (12) months?  Yes  No

(8) Is this temporary request?  Yes  No  
a) If yes, Period Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

City Council Findings: \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Reset: \_\_\_\_\_

**From:** Darrell Keller [mailto:darrell\_keller@ymail.com]  
**Sent:** Friday, February 26, 2016 2:11 PM  
**To:** Mayor of Fair Oaks Ranch <mayor@fairoaksranchtx.org>  
**Subject:** re: Article 15, Question 3 Submit earlier

Miss Mayor and City Council I noticed I answered Question # 3 incorrectly.

Correct answer is "YES".

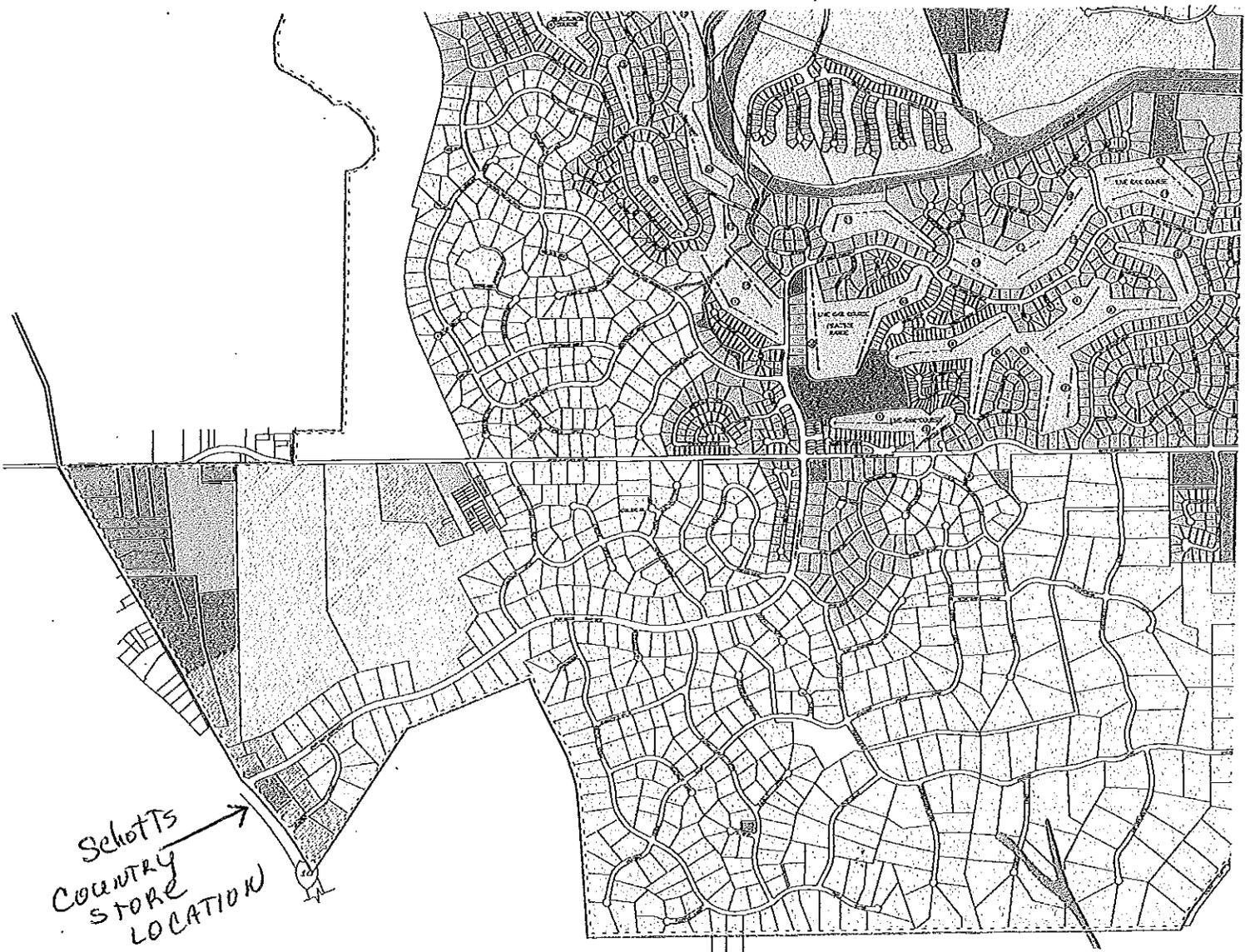
If Schott Country Store is not granted the variance it will affect our purpose for the request for two reasons:

- A. Safety for potential customers to exit timely and reach location safely will be compromised (i.e.: sight safety).
- B. Quality national brand accounts will be hesitant to be part of this commercial complex such a Valero, a Starbucks, etc.

Have a blessed day !!!

DK Signs LLC  
1835 Century Oak Trail  
San Antonio, TX 78232  
210-317-9024  
darrell\_keller@ymail.com  
www.dksignsanddesigns.com  
Darrell Keller

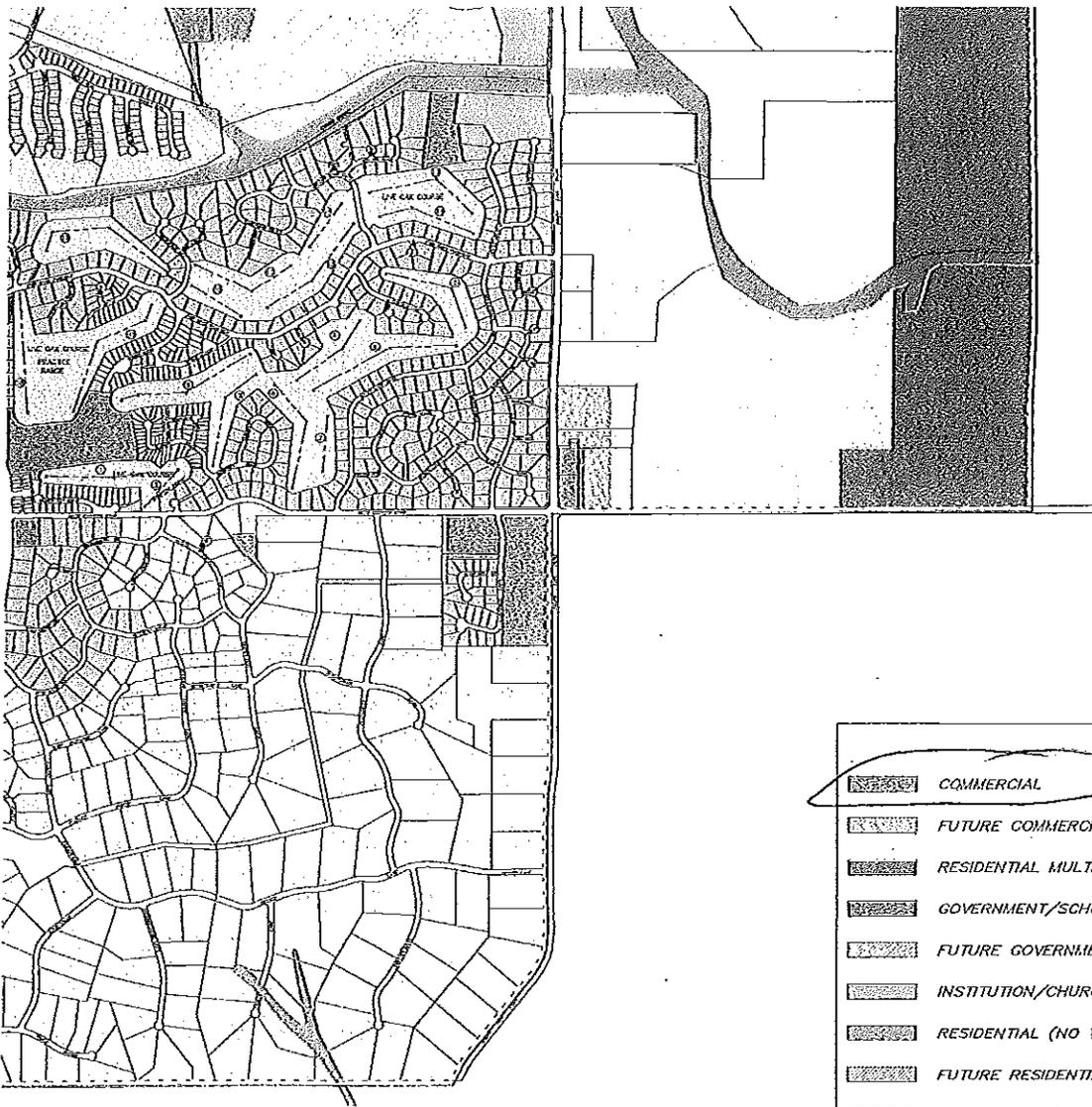
Darrell Keller  
DH REALTY PARTNERS  
Commercial Real Estate  
Office-210-222-2424  
Cell-210-317-9024  
dkeller@DHrealtypartners.com  
www.DHrealtypartners.com



Scotts  
Country  
Store  
LOCATION

A COMPREHENSIVE PLAN SHALL NOT CONSTITUTE ZONING REGULATIONS OR ESTABLISH ZONING DISTRICT BOUNDARIES.

# CURRENT AND FUTURE LANE

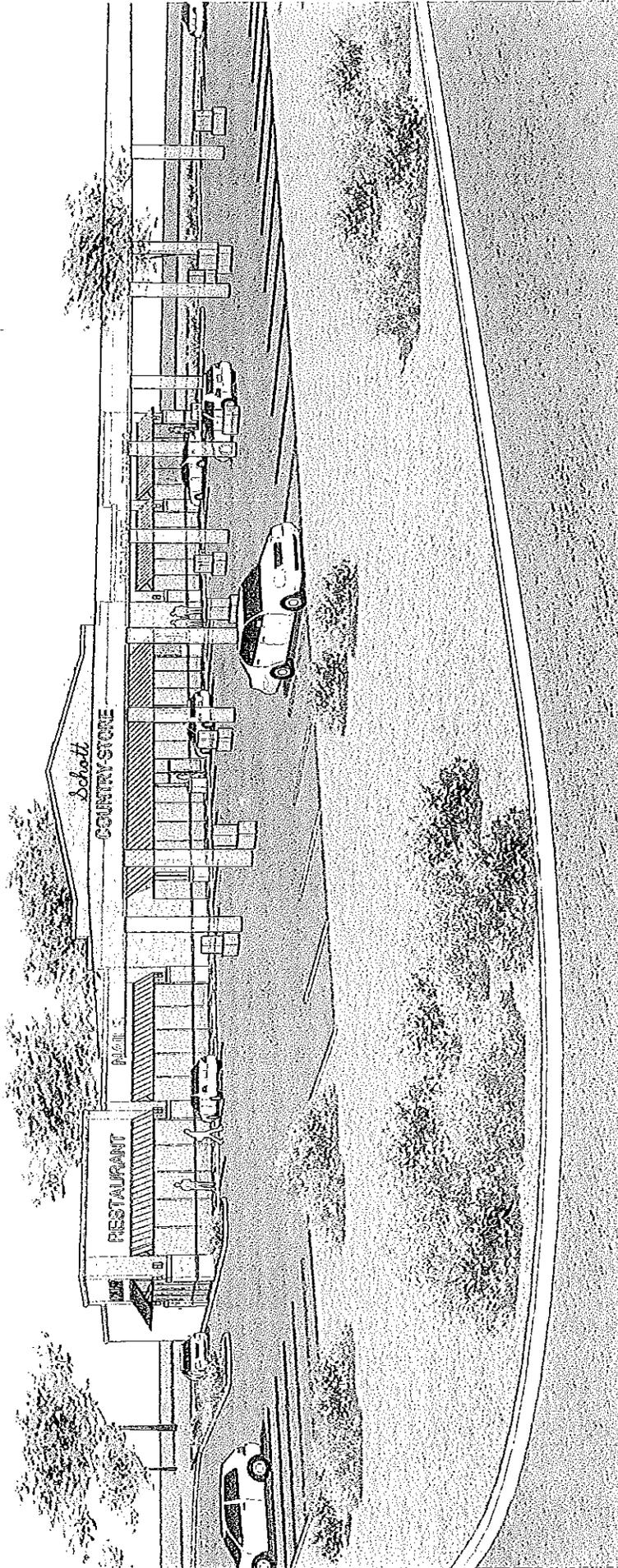


**LEGEND**

	COMMERCIAL
	FUTURE COMMERCIAL
	RESIDENTIAL MULTI-FAMILY
	GOVERNMENT/SCHOOL
	FUTURE GOVERNMENT/SCHOOL
	INSTITUTION/CHURCH
	RESIDENTIAL (NO WATER OR SEWER - 5 AC.)
	FUTURE RESIDENTIAL (NO WATER OR SEWER - 5 AC.)
	RESIDENTIAL (WATER OR SEWER)
	FUTURE RESIDENTIAL (WATER OR SEWER - 45,000 S.F.)
	RESIDENTIAL (WATER AND SEWER)
	FUTURE RESIDENTIAL (WATER AND SEWER - 8,400 S.F.)
	RECREATION/Common AREAS
	RECREATION/HORSE TRAILS

# AND FUTURE LAND USE MAP





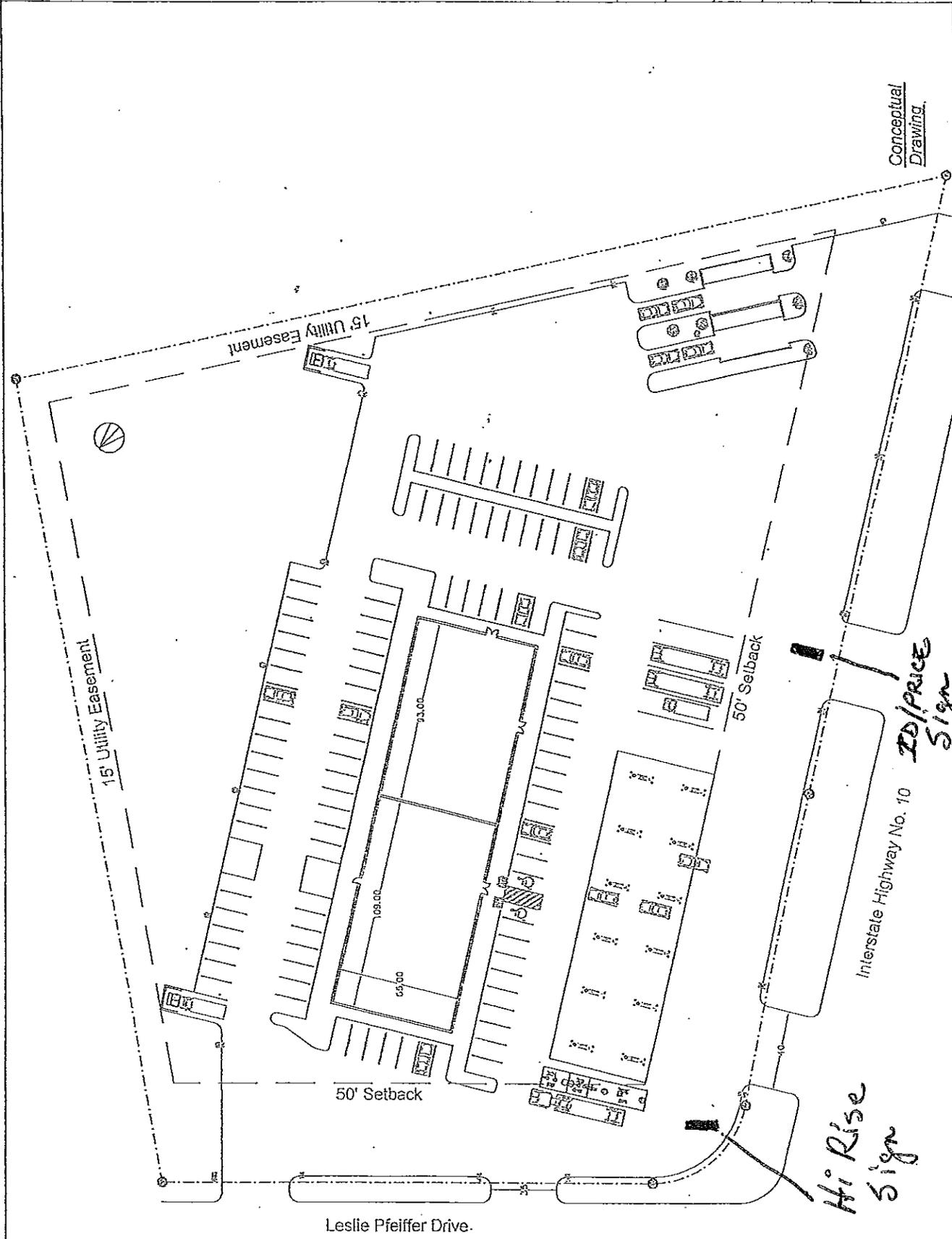


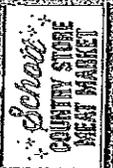
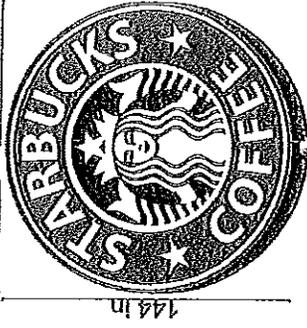
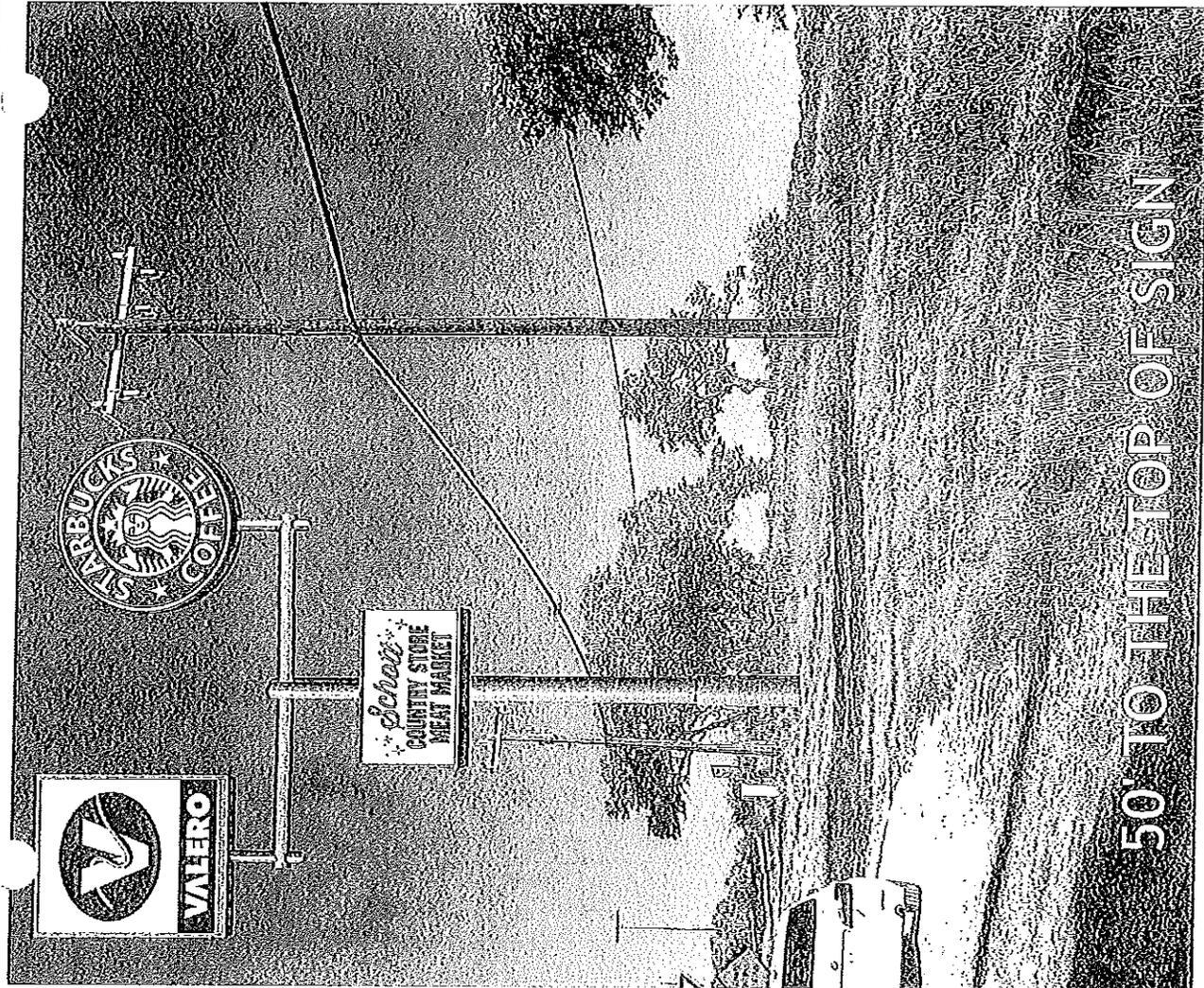
FAIR OAKS SHELL

Project

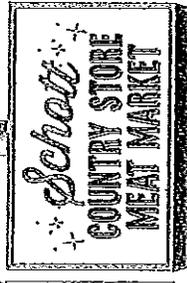
Date	6-1-2011
Scale	1"=50'
Drawn by	DD
Revision No.	
Approved by	
Drawing No.	

Conceptual Drawing.





*For design only*

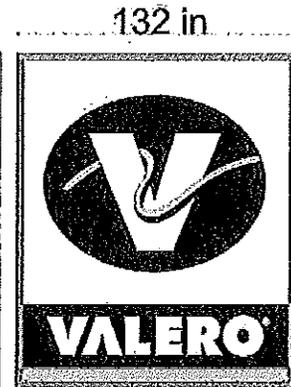
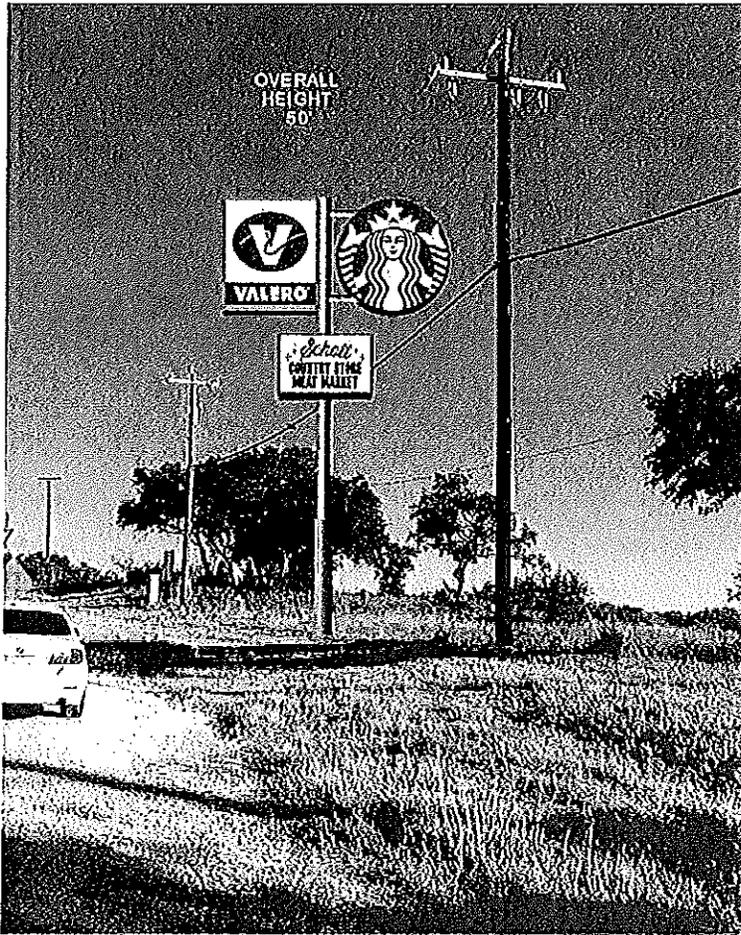


SCHOTT SIGN 77 SQ FT  
 VALERO SIGN 142 SQ FT  
 STARBUCKS SIGN 144 SQ FT  
 TOTAL ALL 3 SIGNS 363 SQ FT

CUSTOMER: VALERO / SCHOTT MEAT MARKET		SALES REP.: Darrell		DESIGN # 03	
LOCATION: IH-10 AND FAIR OAKS PARKWAY		DATE: 1-19-16			
CONTACT:		CLIENT APPROVAL:			
<small>THIS UNBURNISHED DESIGN IS THE PROPERTY OF DK SIGNS AND IS SUBMITTED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT WE ARE PLANNING FOR YOU. IT IS NOT TO BE MODIFIED, COPIED, REPRODUCED, EXHIBITED, OR SHOWN TO ANYONE OUTSIDE OF YOUR ORGANIZATION WITHOUT WRITTEN PERMISSION OF DK SIGNS. VIOLATION OF THE ABOVE ENTITLES DK SIGNS TO COLLECT FEES FOR ART AND STAFF TIME FROM THE CUSTOMER.</small>		 		 	
<small>ALL SIGNS WIRED 120V UNLESS SPECIFIED OTHERWISE...</small>		<b>DK SIGNS</b>		210.317.9024 darrell_keller@ymail.com www.dksignsandesigns.com	

50' TO THE TOP OF SIGN

# Option 1 Rendering



143 ♂



133 ♂



77 ♂

CUSTOMER: VALERO / SCHOIT MEAT MARKET

SALES REP: Darrell

DESIGN # 05

LOCATION: IH-10 AND FAIR OAKS PARKWAY

DATE: 02-22-16

CONTACT:

CLIENT APPROVAL:

SCALE:

THIS RENDERING IS THE PROPERTY OF DK SIGNS AND IS SUBMITTED FOR YOUR PERSONAL USE ONLY. IT IS NOT TO BE REPRODUCED, COPIED, REPRODUCED, EXHIBITED, OR IN ANY MANNER, OUTSIDE OF YOUR ORGANIZATION WITHOUT WRITTEN PERMISSION OF DK SIGNS. VIOLATION OF THE ABOVE, ENTAILS DK SIGNS TO COLLECT FEES FOR ATT AND STAFF TIME FROM THE CUSTOMER.



ALL SIGNS W/RED 120V UNLESS SPECIFIED OTHERWISE . . .

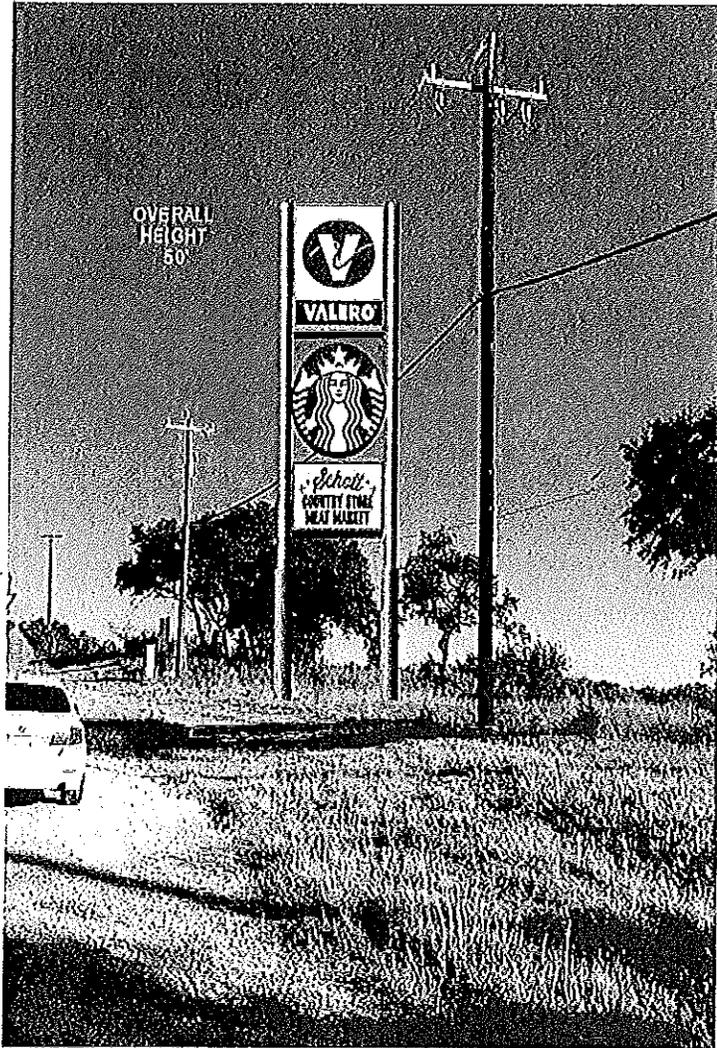
**DK SIGNS**

210.317.9024 darrell\_keller@ymail.com  
www.dksignsanddesigns.com

78 ♂

133 ♂

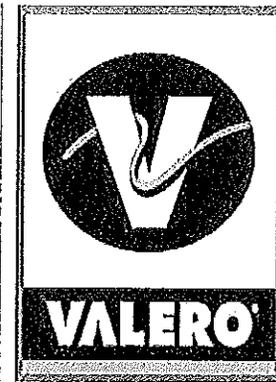
# Option 2 Rendering



OVERALL HEIGHT  
50

132 in

156 in



143 ♂

ROUNDS  
PRINTING  
ILLUSION

132 in



55 ♂

84 in



77 ♂

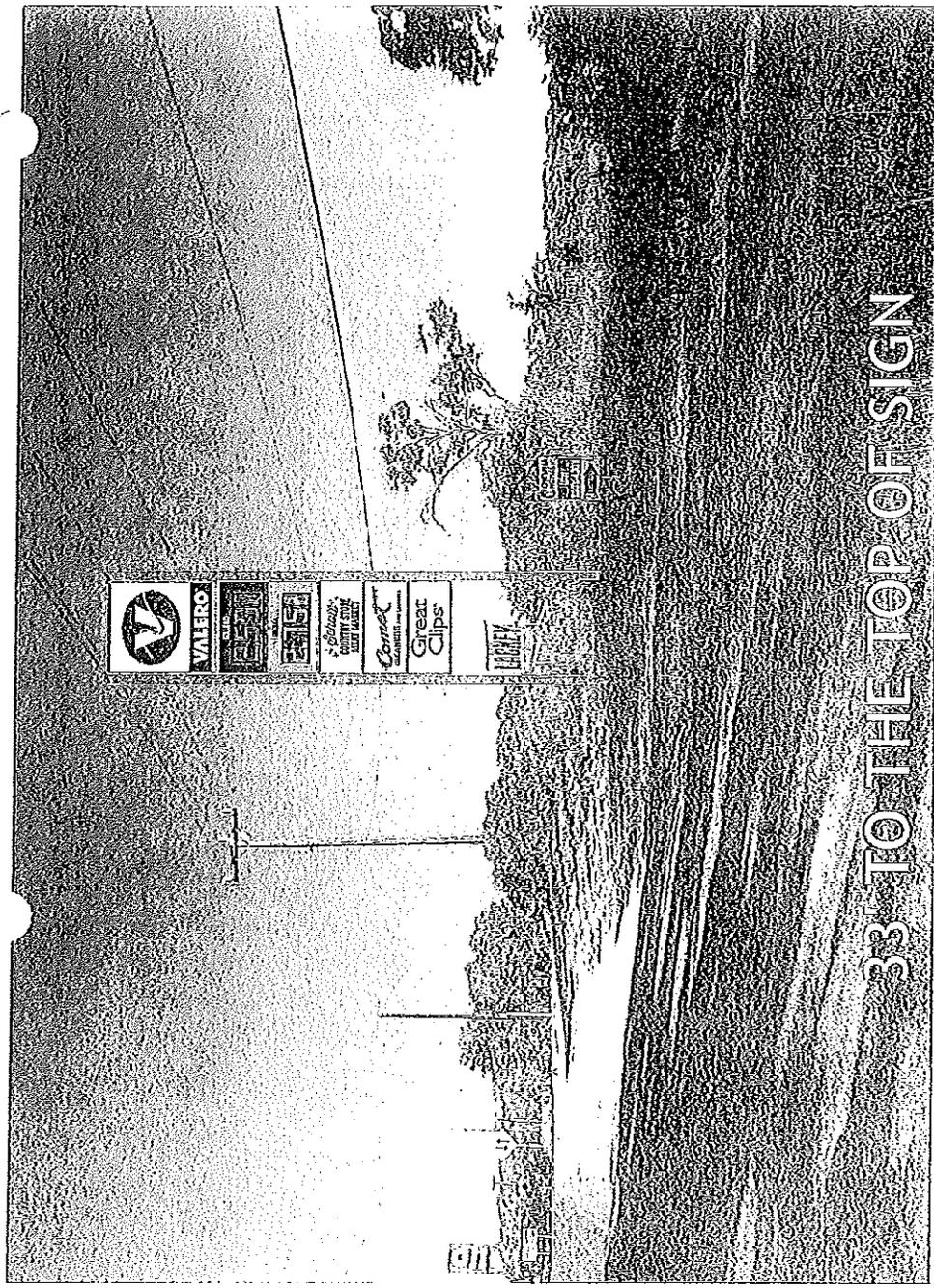
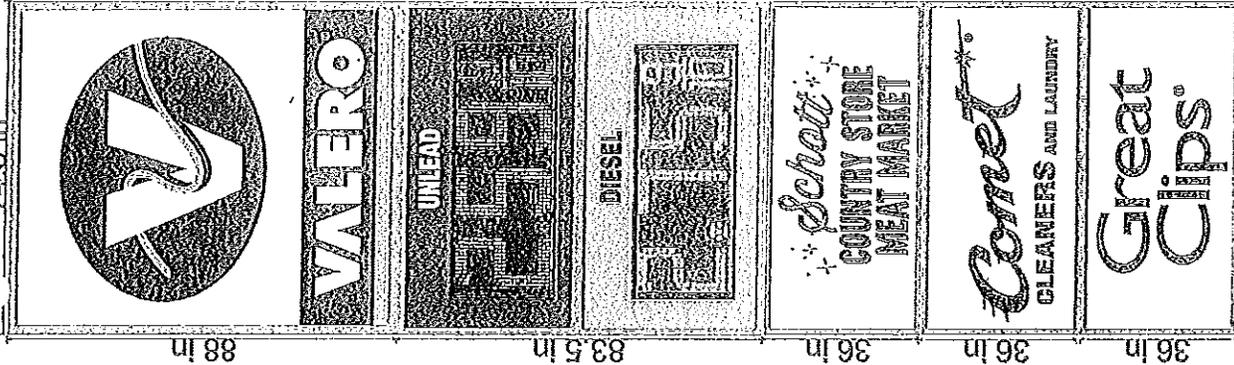
CUSTOMER: VALERO / SCHOTT MEAT MARKET	SALES REP: Darrell	DESIGN # 04
LOCATION: IH-10 AND FAIR OAKS PARKWAY	DATE: 02-22-16	
CONTACT:	CLIENT APPROVAL:	SCALE:
<small>THE ABOVE DESIGN IS THE PROPERTY OF DK SIGNS AND IS SUBMITTED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT WE ARE WORKING FOR YOU. IT IS NOT TO BE REPRODUCED, COPIED, REPRODUCED, REPRODUCED, OR IN ANY MANNER OUTSIDE OF YOUR ORIGINAL PROJECT WITHOUT THE PERMISSION OF DK SIGNS. VIOLATION OF THESE TERMS OR USE TO COLLECT FEES FOR ANY AND ALL STATE AND FEDERAL JURISDICTIONS.</small>		
<small>ALL SIGNS WIRED 120V UNLESS SPECIFIED OTHERWISE...</small>		

**DK SIGNS**

210.317.9024 darrell\_keller@ymail.com  
www.dksignsanddesigns.com

66" x 11" = 95 ♂

74.5 in



VALERO SIGN 45.5 SQ FT  
 DIGITAL PRICE SIGN 43.1 SQ FT  
 SCHOTT SIGN 18.6 SQ FT  
 COMET SIGN 18.6 SQ FT  
 GREAT CLIPS SIGN 18.6 SQ FT  
 TOTAL SQ FT 144.4 SQ FT

CUSTOMER: VALERO / SCHOTT MEAT MARKET

LOCATION: IH 10 FAIR OAKS PARKWAY

CONTACT: CLIENT APPROVAL:

SALES REP: Darrell

DATE: 1-19-16

SCALE:

DESIGN # 02

THIS UNPUBLISHED DESIGN IS THE PROPERTY OF DK SIGNS AND IS SUBMITTED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT WE ARE PLANNING FOR YOU. IT IS NOT TO BE MODIFIED, COPIED, REPRODUCED, EXHIBITED, OR SHOWN TO ANYONE OUTSIDE OF YOUR ORGANIZATION WITHOUT WRITTEN PERMISSION OF DK SIGNS. VIOLATION OF THE ABOVE ENTITLES DK SIGNS TO COLLECT FEES FOR ART AND STAFF TIME FROM THE CUSTOMER.

ALL SIGNS WIRED 120V UNLESS SPECIFIED OTHERWISE ...



**DK SIGNS**

210.317.9024 darrell\_keller@mail.com  
 www.dksignsanddesigns.com

**Sec. 15.01.010 Permitting regulations**

When determining whether to issue a permit the following regulations apply:

- (1) Signs on property in other than residential areas. All pole, pylon, and facade (wall) signs that exceed forty-eight (48) square feet must be certified by a state registered engineer as being able to withstand a wind pressure load of at least thirty (30) pounds per square foot and support the weight of the sign.

(A) Single commercial building.

- (i) Signs on the facade and each side of a building shall not exceed forty-eight (48) square feet, unless they are certified by a state registered professional engineer as being able to withstand a wind pressure load of at least thirty (30) pounds per square foot and support the weight of the sign.
- (ii) One pole/pylon sign per premises may be permitted that does not exceed fifty (50) square feet in area. The maximum height of such a sign shall not exceed twenty-five (25) feet. If the commercial establishment borders two (2) or more streets then only one additional freestanding sign will be permitted on the secondary street, and the square footage of the sign may not exceed the allowable square footage of this subsection and subsection (iii) below.
- (iii) A premises that displays a monument sign in lieu of a pole/pylon sign may increase its size to one hundred (100) square feet.
- (iv) One additional freestanding sign not to exceed the allowable square footages described in subsection (A)(ii) and (A)(iii) of this section may be permitted for premises with frontages of one hundred and forty (140) feet or more.

\* (B) Commercial complex.

- (i) Signs on the facade or on the side of a building identifying the complex may not exceed forty-eight (48) square feet, unless they are certified by a state registered professional engineer as being able to withstand a wind pressure load of at least thirty (30) pounds per square foot and support the weight of the sign.

(ii) Signs on the facade or on the side of a building identifying a business within a commercial complex may not exceed forty-eight (48) square feet.

(iii) Size allowances for pole/pylon signs for commercial complexes:

a. A commercial complex under five (5) acres in size and having less than one hundred and forty (140) linear feet of road frontage may have one pole/pylon sign that does not exceed twenty-five (25) feet in height has a minimum ground clearance of six (6) feet with the primary complex or anchor tenant identification sign not exceed seventy-five (75) square feet in size and the individual business signs in the complex sign not to exceed one hundred and fifty square feet collectively with no one tenant individually exceeding fifty (50) square feet.

b. A commercial complex over five (5) acres in size and having one hundred and forty (140) linear feet or more of road frontage may have one pole/pylon sign that does not exceed thirty-five (35) feet in height, has a minimum ground clearance of six (6) feet with the primary complex or anchor tenant identification sign not exceeding one hundred twenty-eight (128) square feet in size and the individual business signs in the complex sign not to exceed two hundred fifty (250) square feet collectively with no one tenant individually exceeding fifty (50) square feet.

(iv) If the structure of a freestanding sign (monument or pole/pylon) contains or supports more than one (1) sign, then each sign shall be of the same construction.

(v) For businesses with linear road frontages in excess of one hundred and forty (140) feet only one additional freestanding sign not to exceed the allowable square footages described in subsections (B)(iii) and (B)(vi) of this section is permitted for the site regardless of any amount of additional linear road frontages or additional streets.

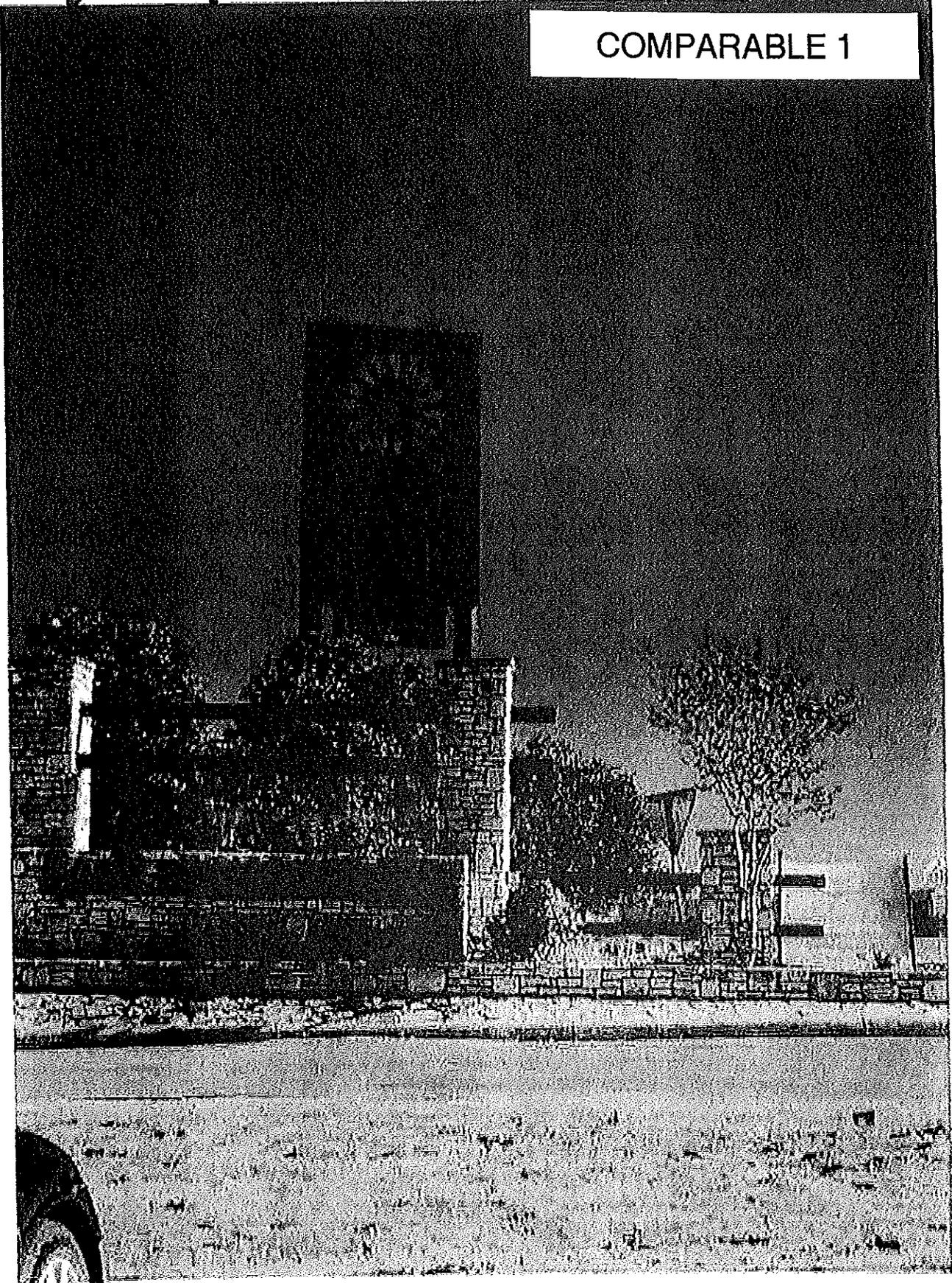
(vi) A premises displaying a monument sign in lieu of a pole/pylon sign cannot exceed one hundred and fifty (150) square feet in size.

(vii) For commercial complexes with the front facades of the businesses facing both the primary and secondary streets one additional freestanding sign

will be permitted on the secondary street. The freestanding sign is not to exceed the allowable square footages specified in subsections (B)(iii) and (B)(vi) of this section. If the orientation of the front facade of the business(es) face neither street then the one additional freestanding sign is allowed and shall not exceed the allowable square footages specified in subsections (B)(iii) and (B)(vi).

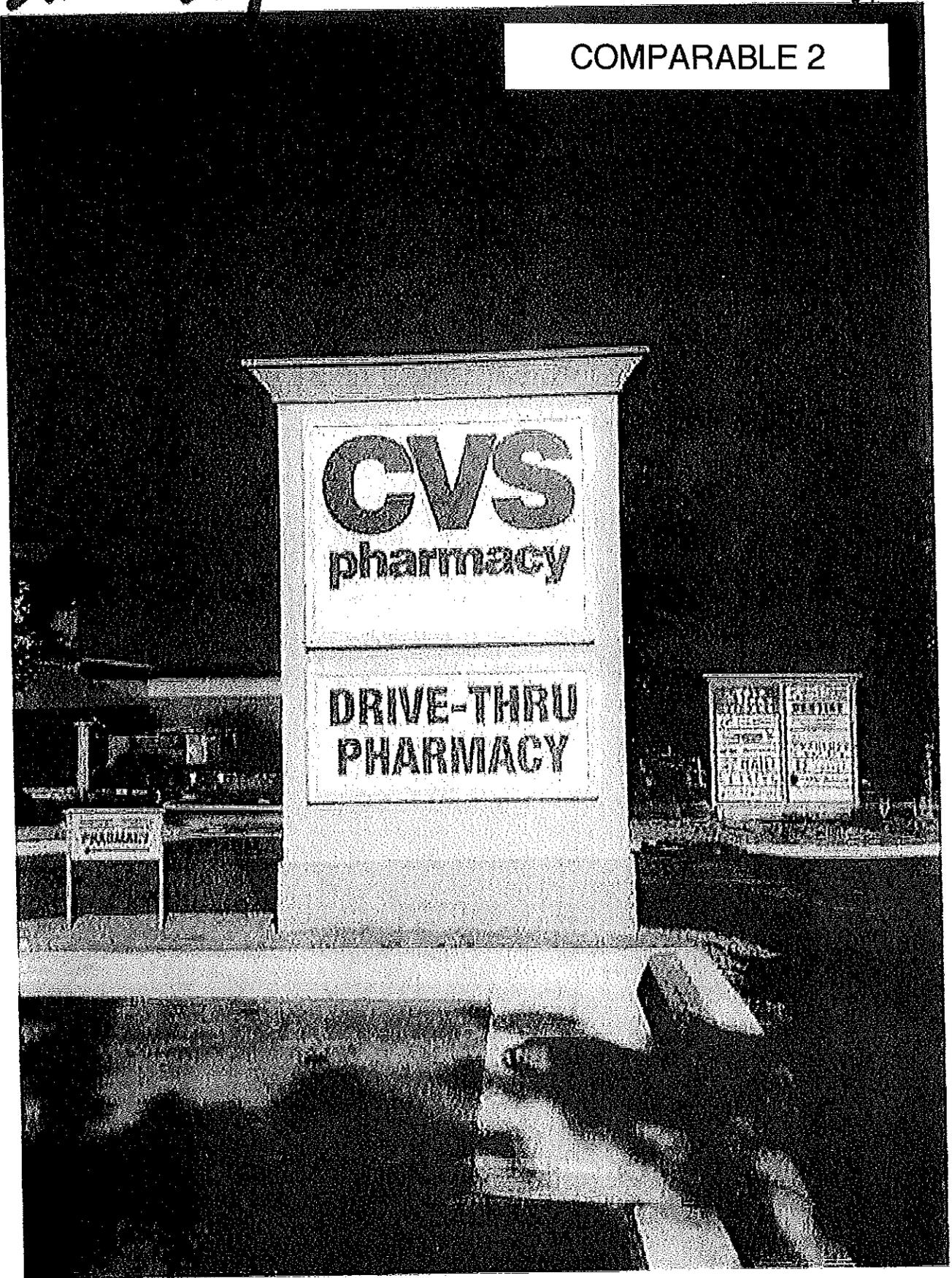
Large Sign 50' Tall 420' SF Approx

COMPARABLE 1



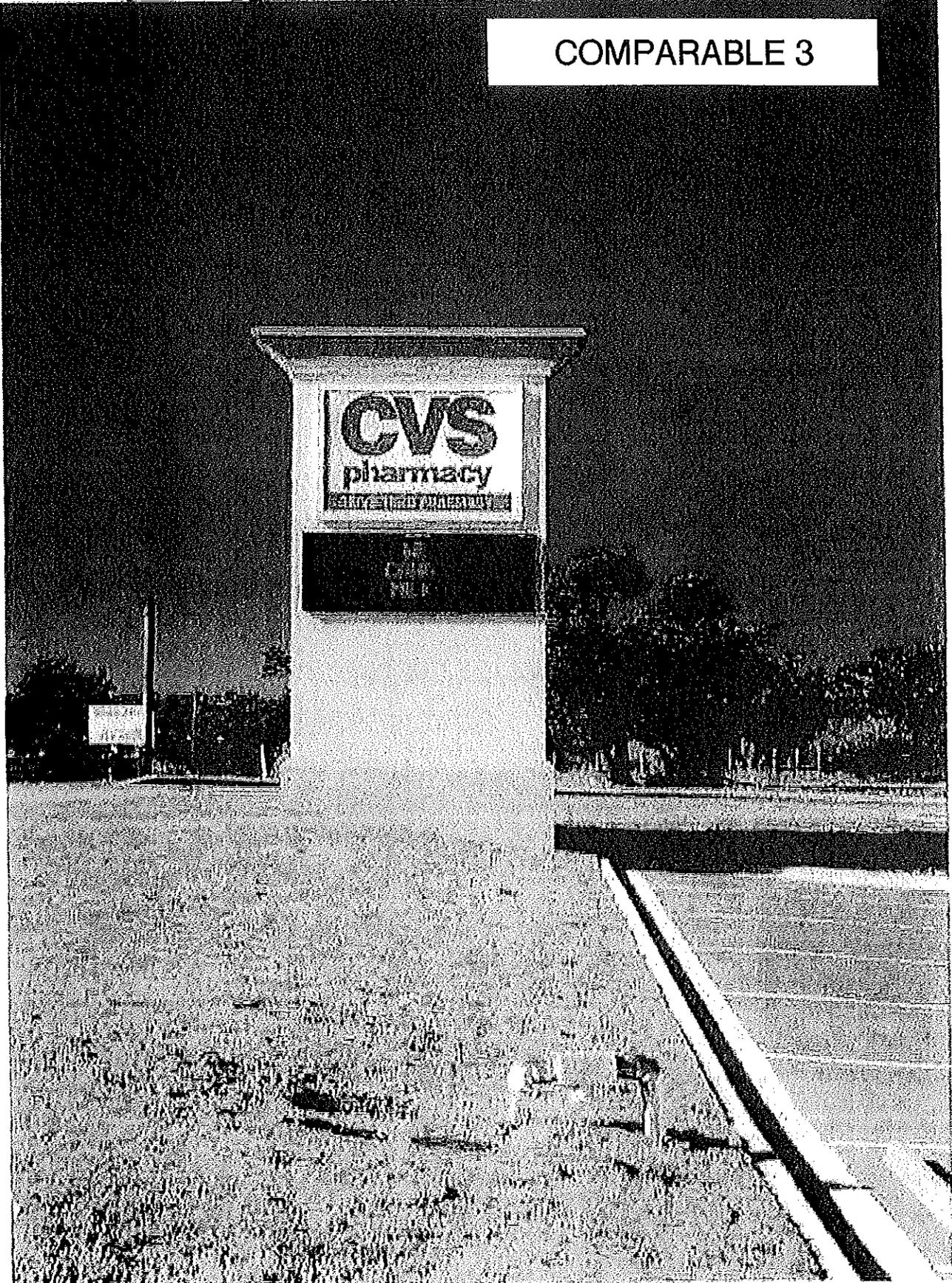
① Small Sign 15' Tall 135 SF Approx

COMPARABLE 2



③ Large Sign 25' Tall 275 SF Approx

COMPARABLE 3



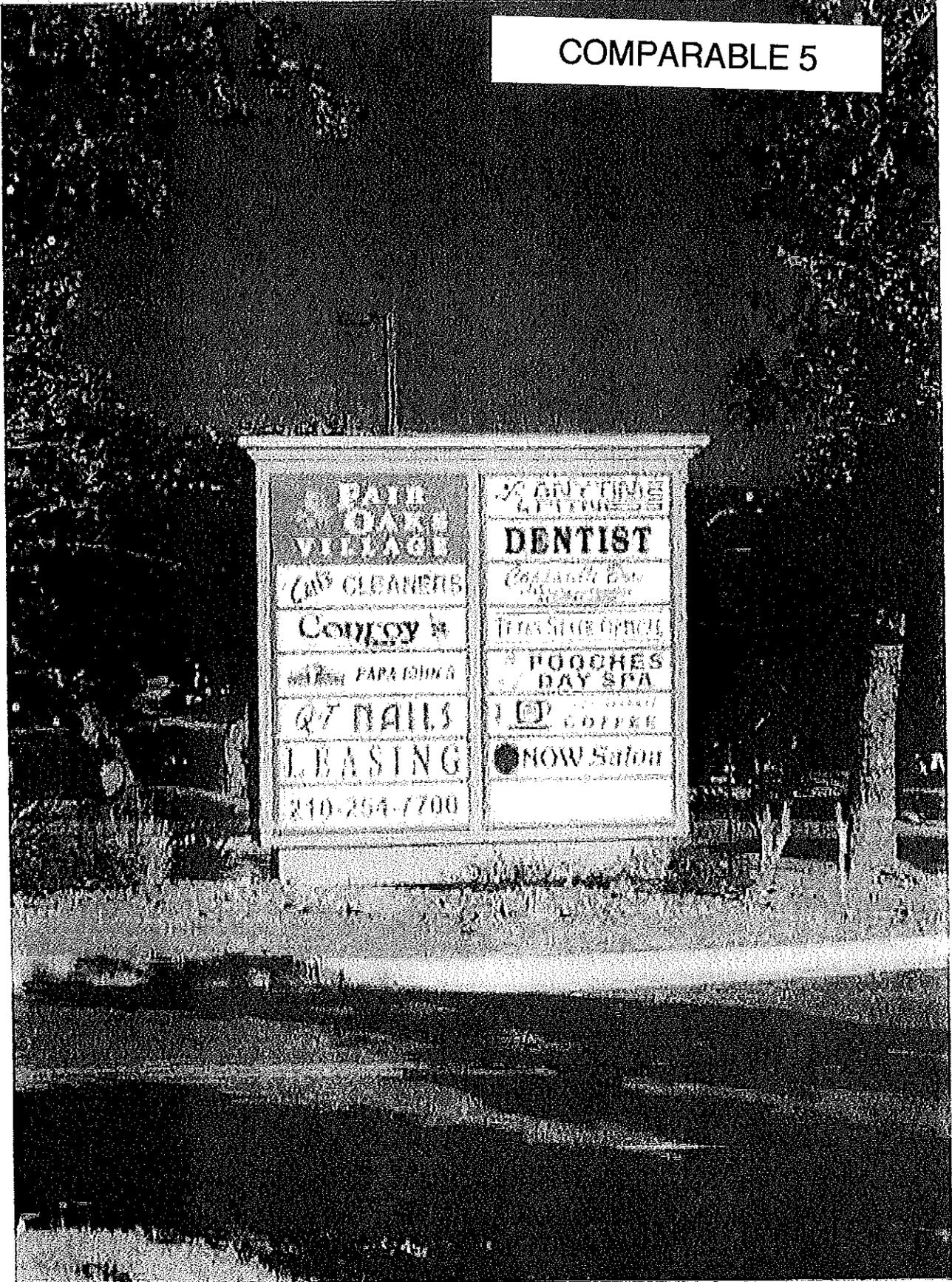
D Large Sign 50' Tall 500 SF Approx

COMPARABLE 4



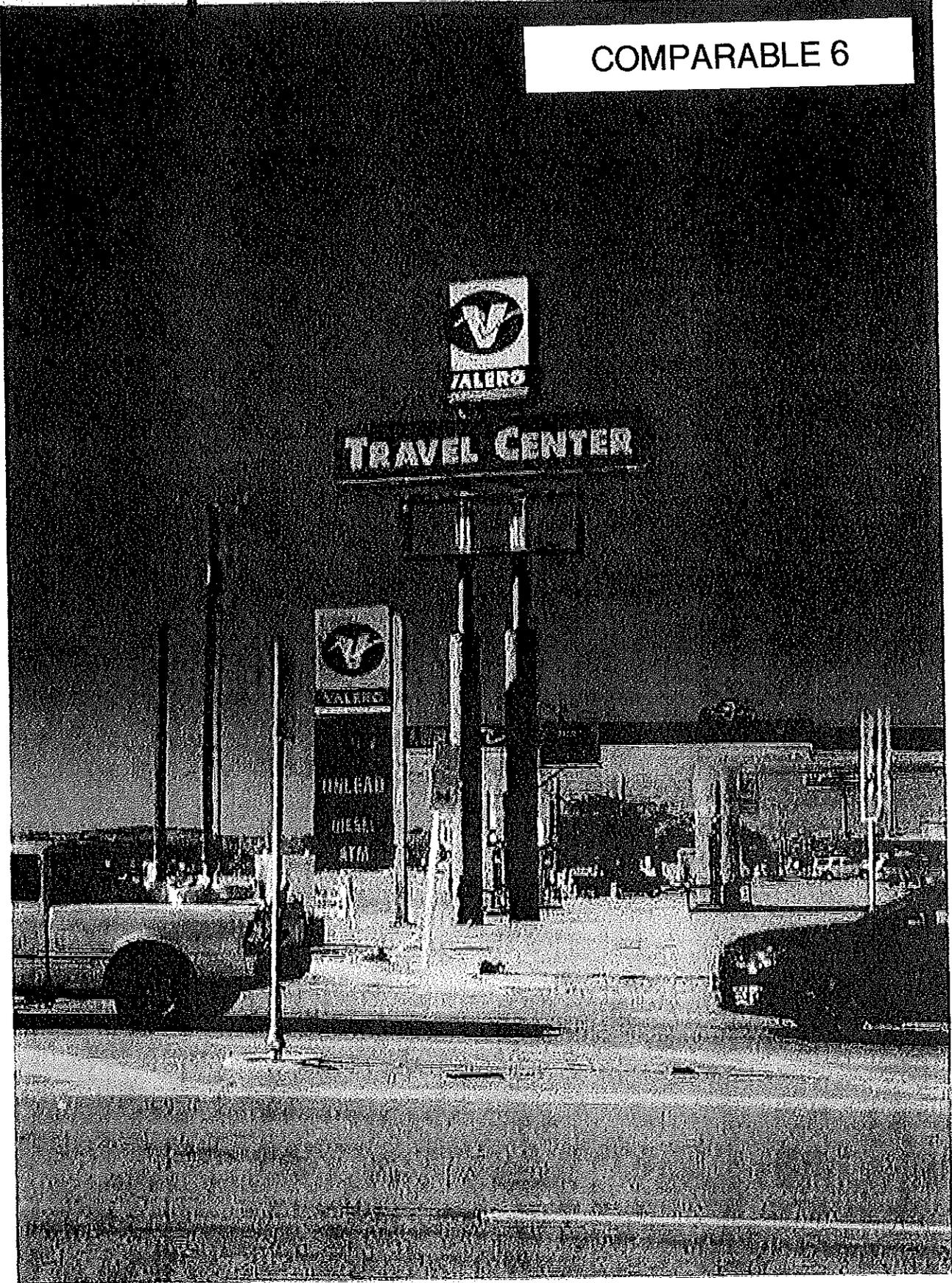
⑦ Small Sign 15' Tall 225 SF Approx

COMPARABLE 5



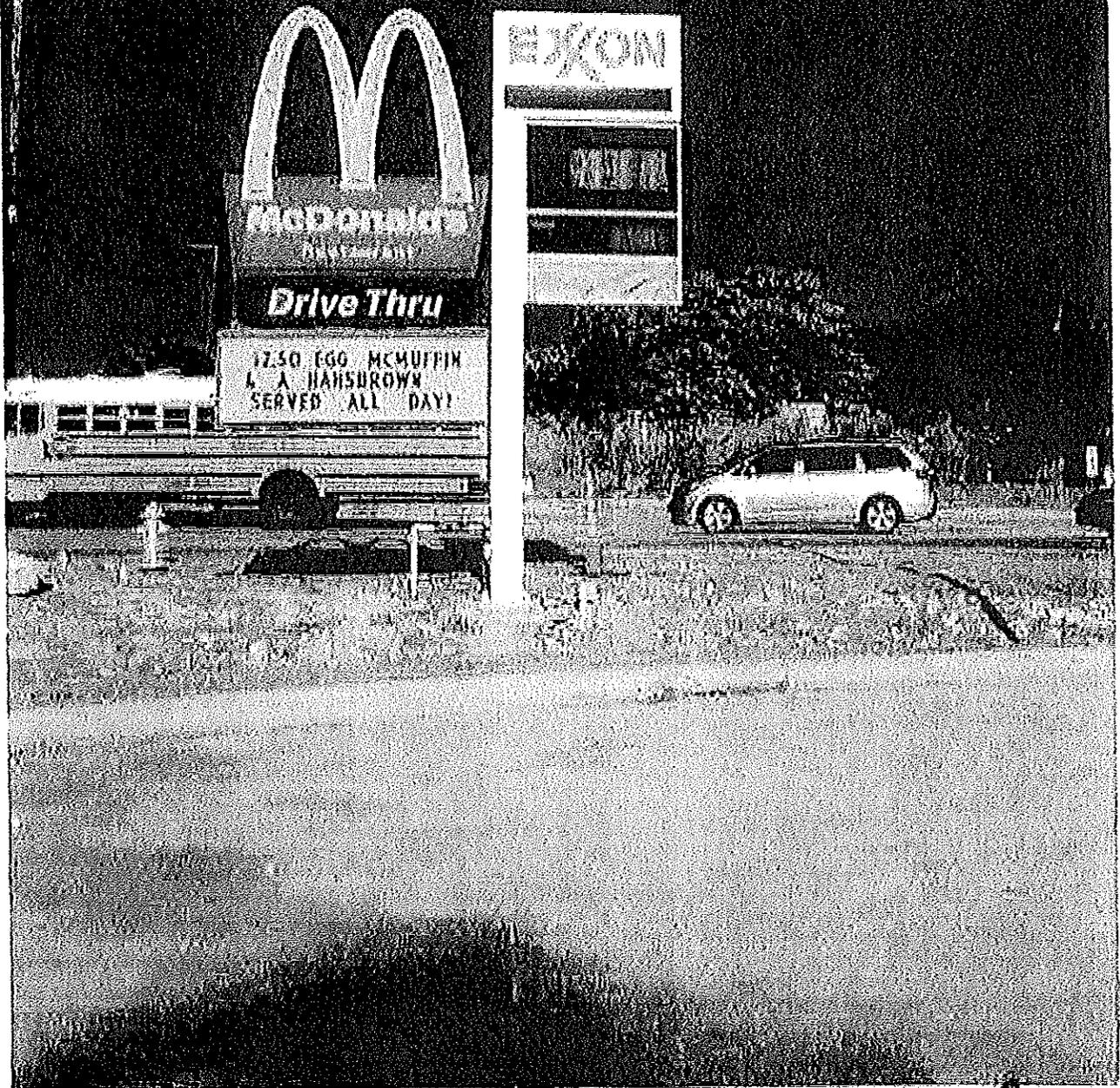
② Big Sign 50' Tall 325 SF APPROX  
① Small Sign 25' Tall 120 SF APPROX

COMPARABLE 6



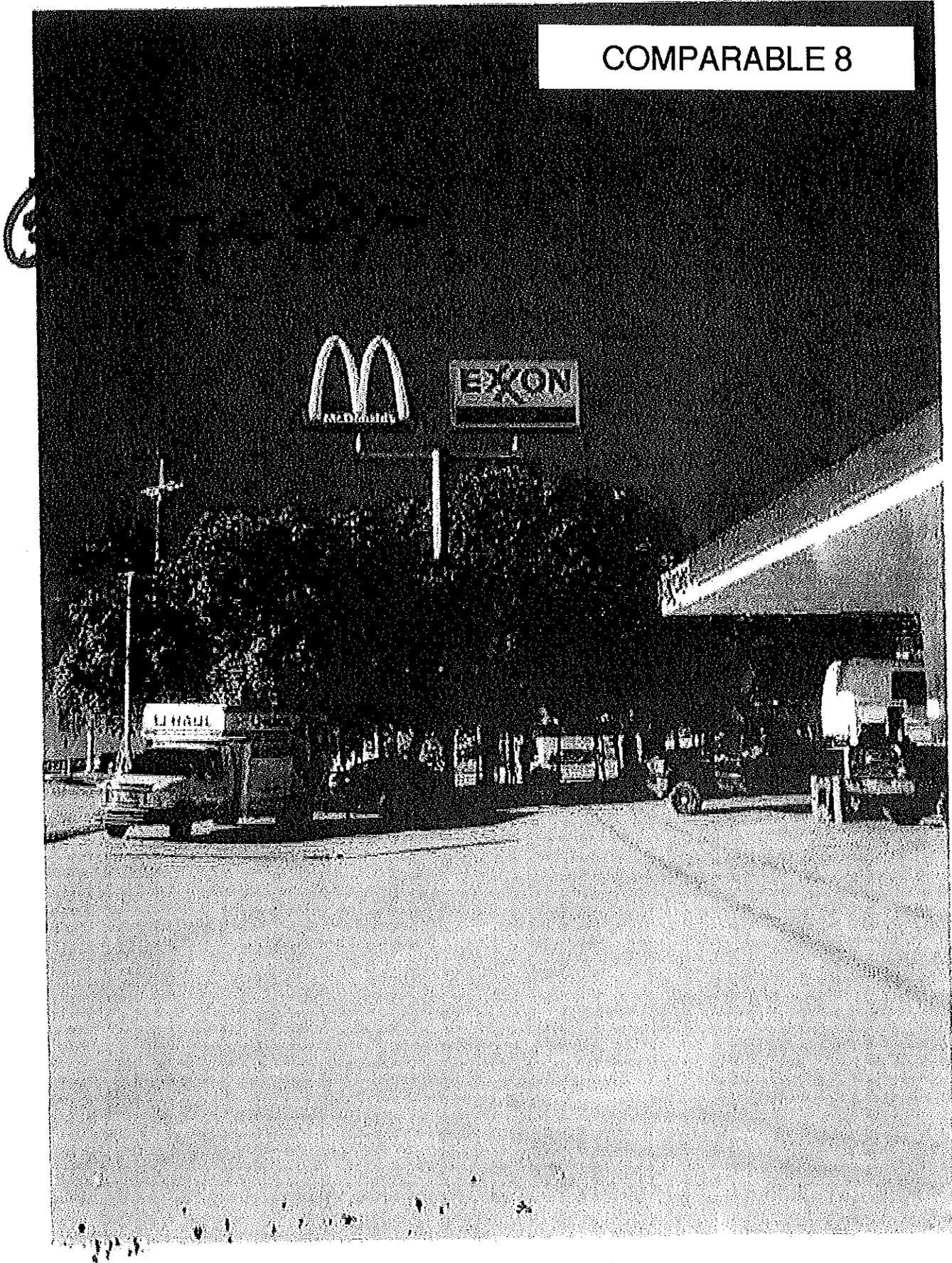
- ① Large Sign 40-48 Tall 383 SF Approx
- ② Small Sign 30' Tall 250 SF Approx

COMPARABLE 7



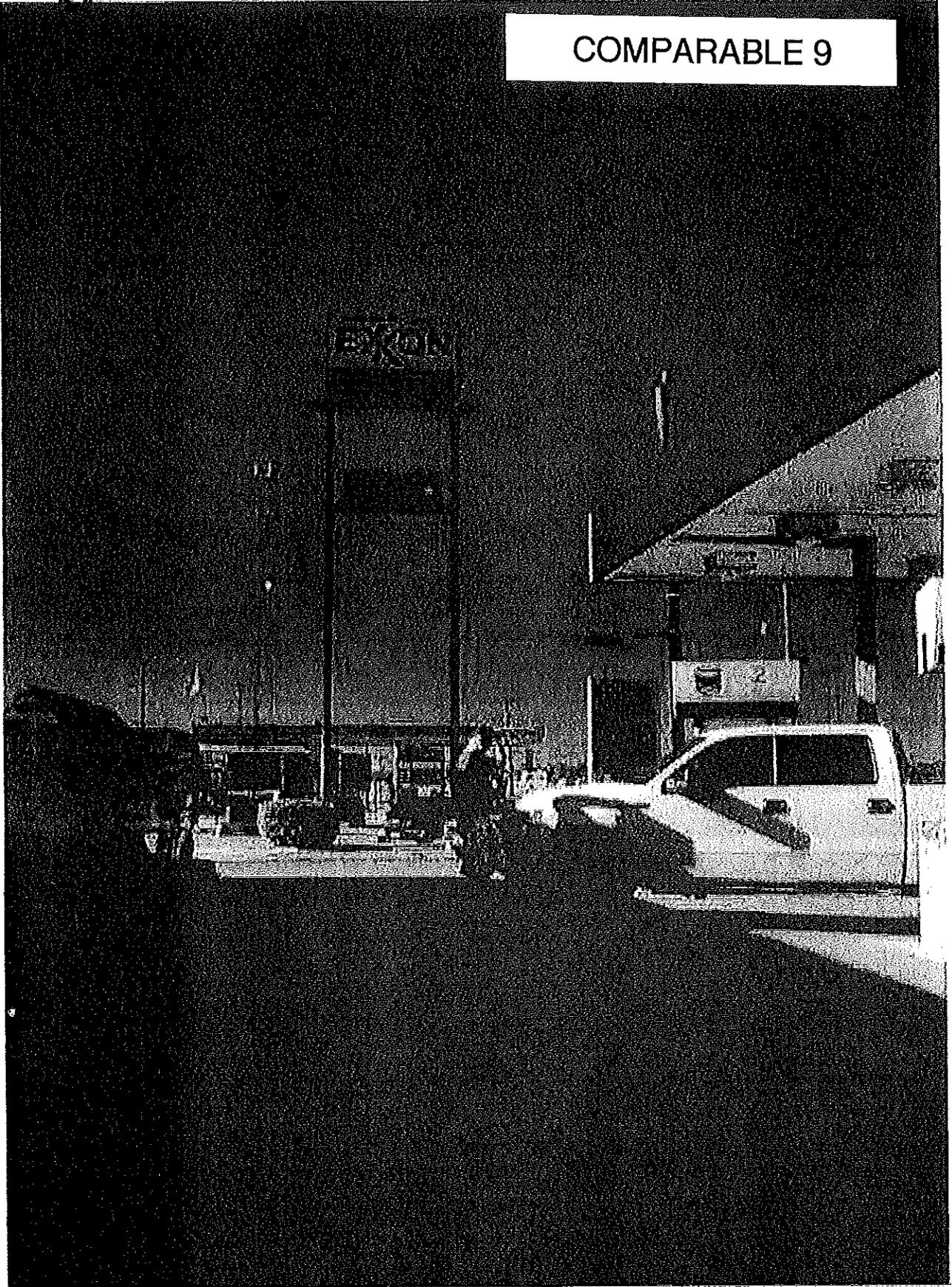
- ③ Smaller Sign 20' Tall 184 SF Approx

COMPARABLE 8



D Large Sign 50' Tall 260 SF Approx

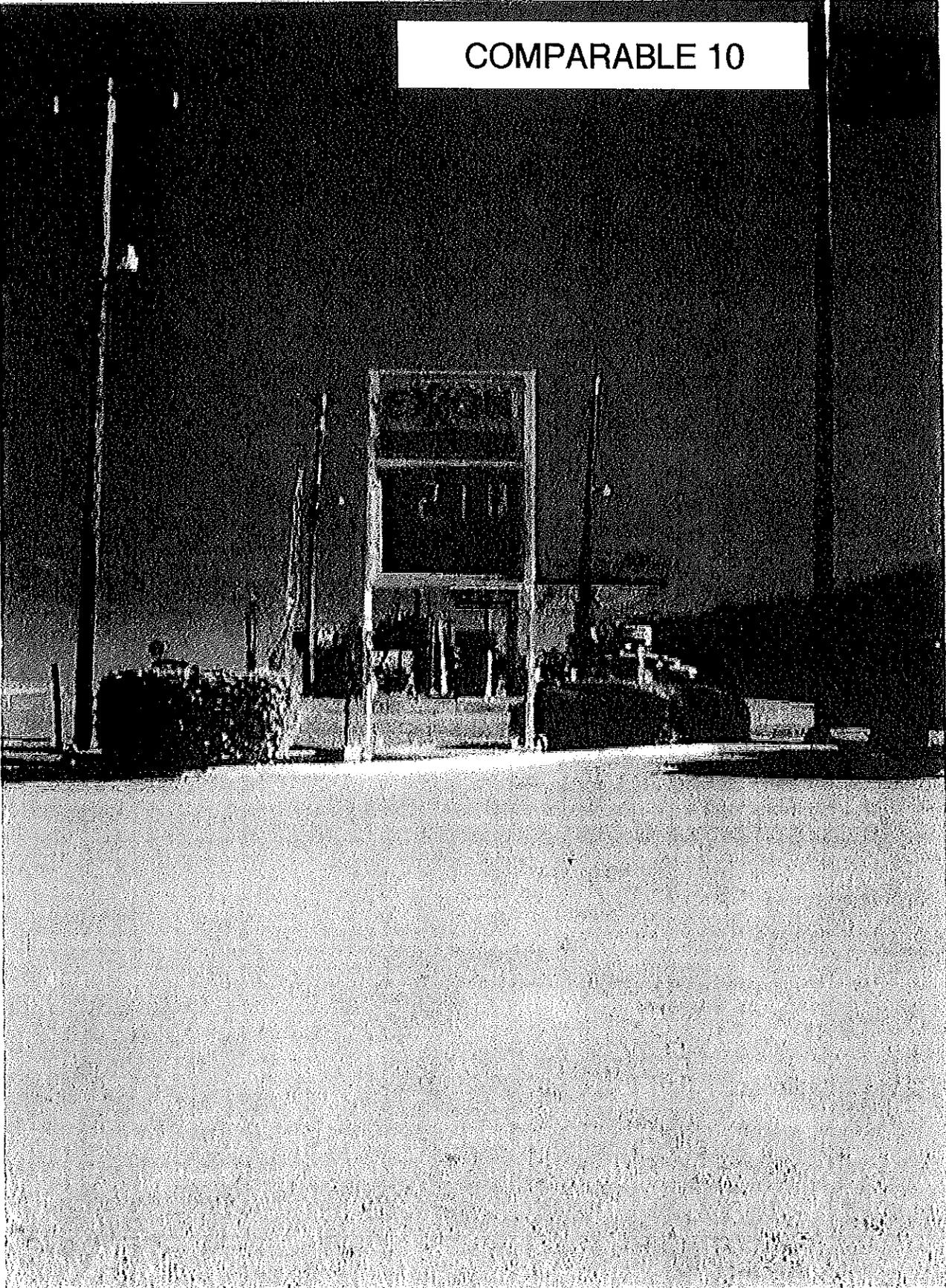
COMPARABLE 9



②

Small Sign 20' Tall 1903F Approx.

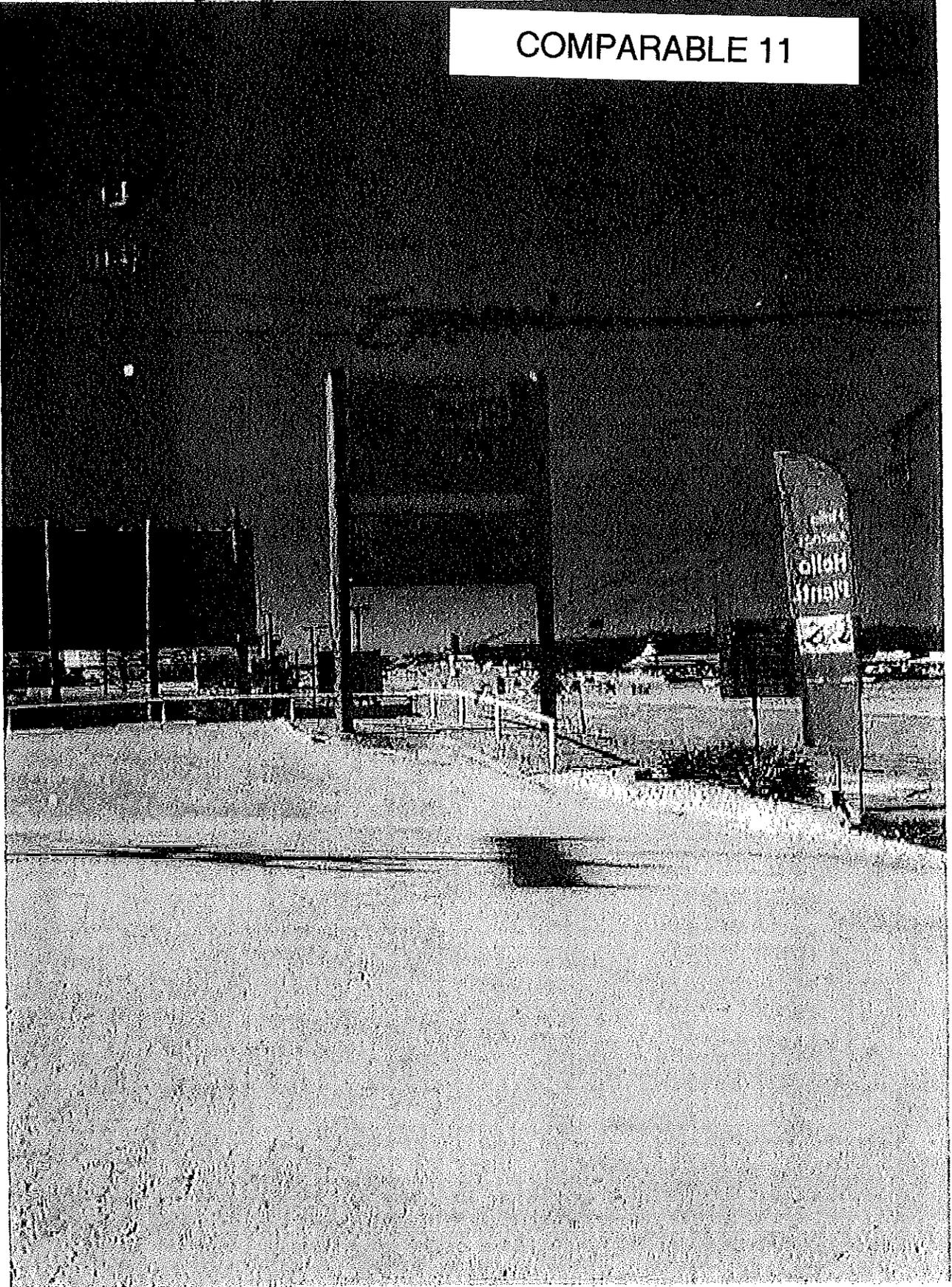
COMPARABLE 10



③

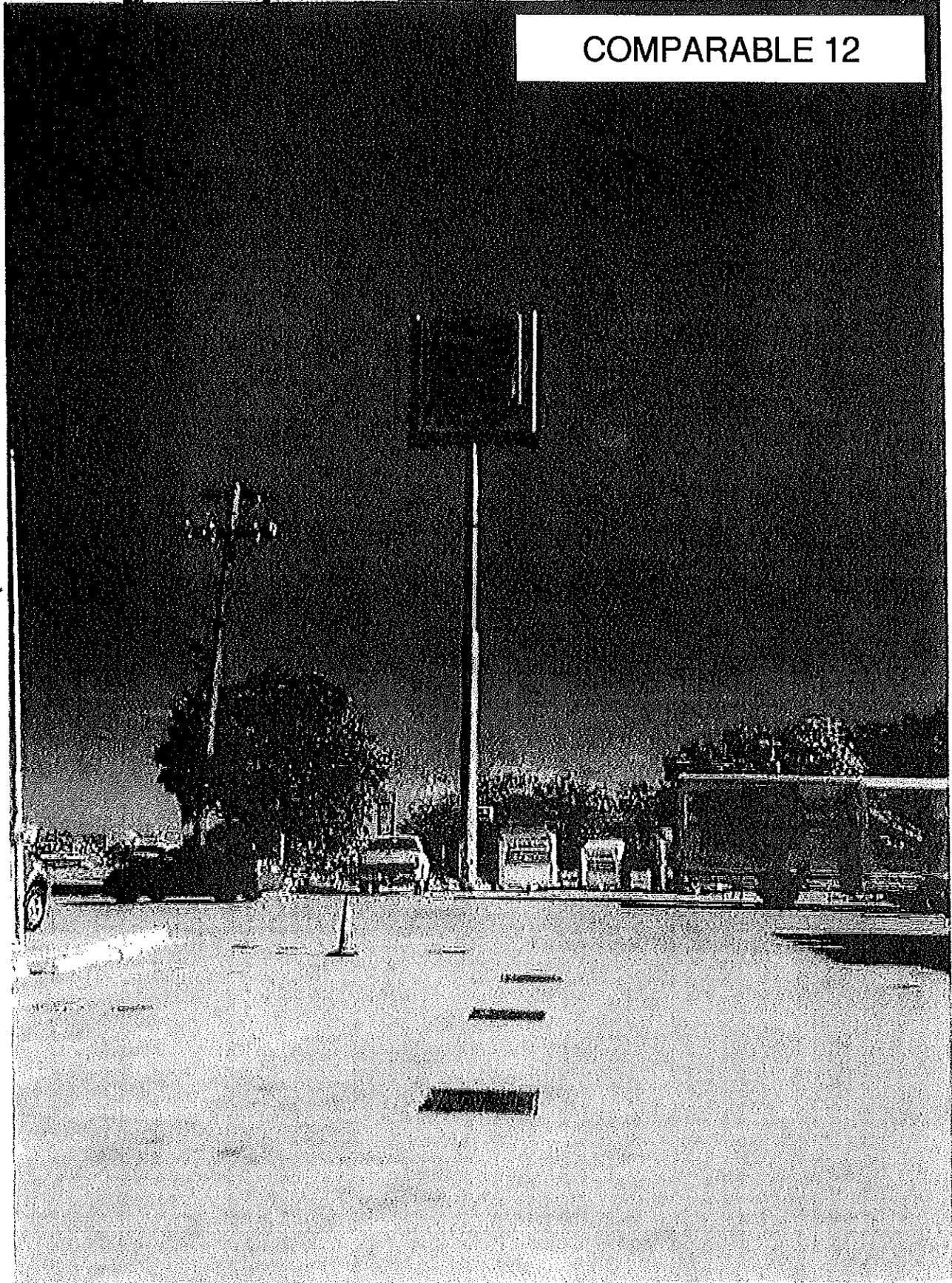
Small Sign 20' Tall 150' SE from

COMPARABLE 11



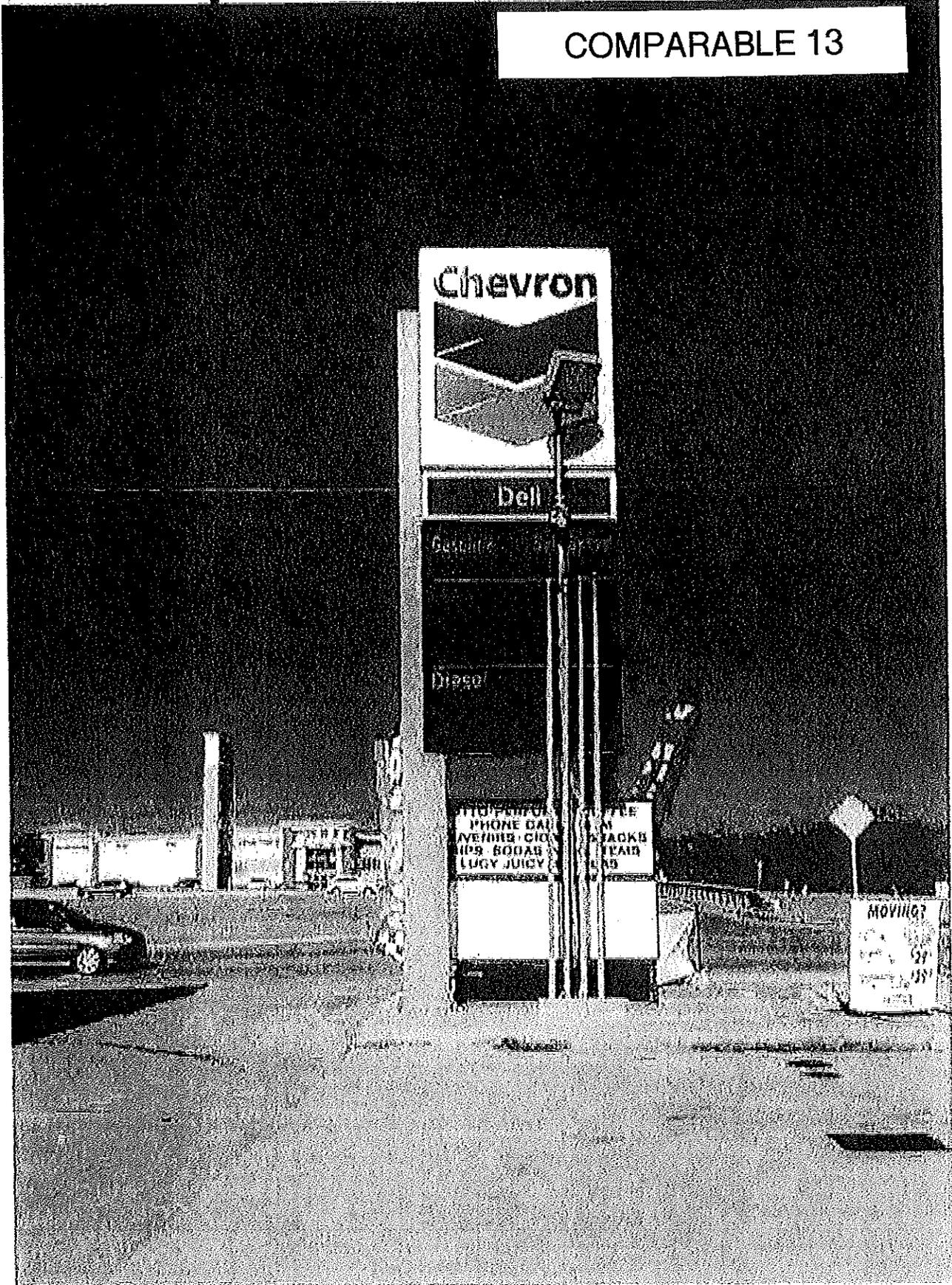
① Large Sign 50' Tall 169 SF Approx

COMPARABLE 12



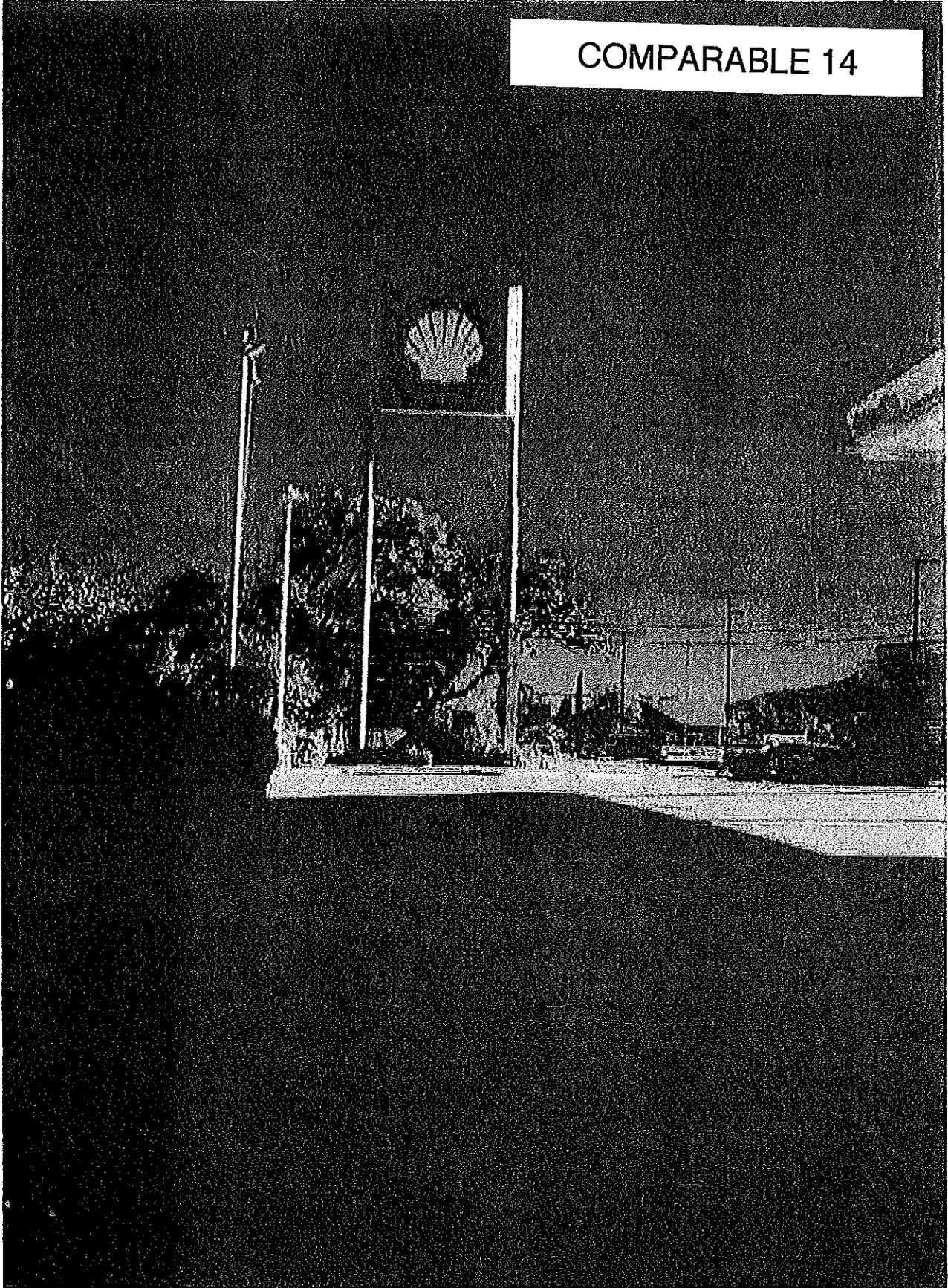
2) Small Sign 23-25' Tall 155 SF Approx.

COMPARABLE 13



D Tall Sign 40' Tall 275 SF Area

COMPARABLE 14



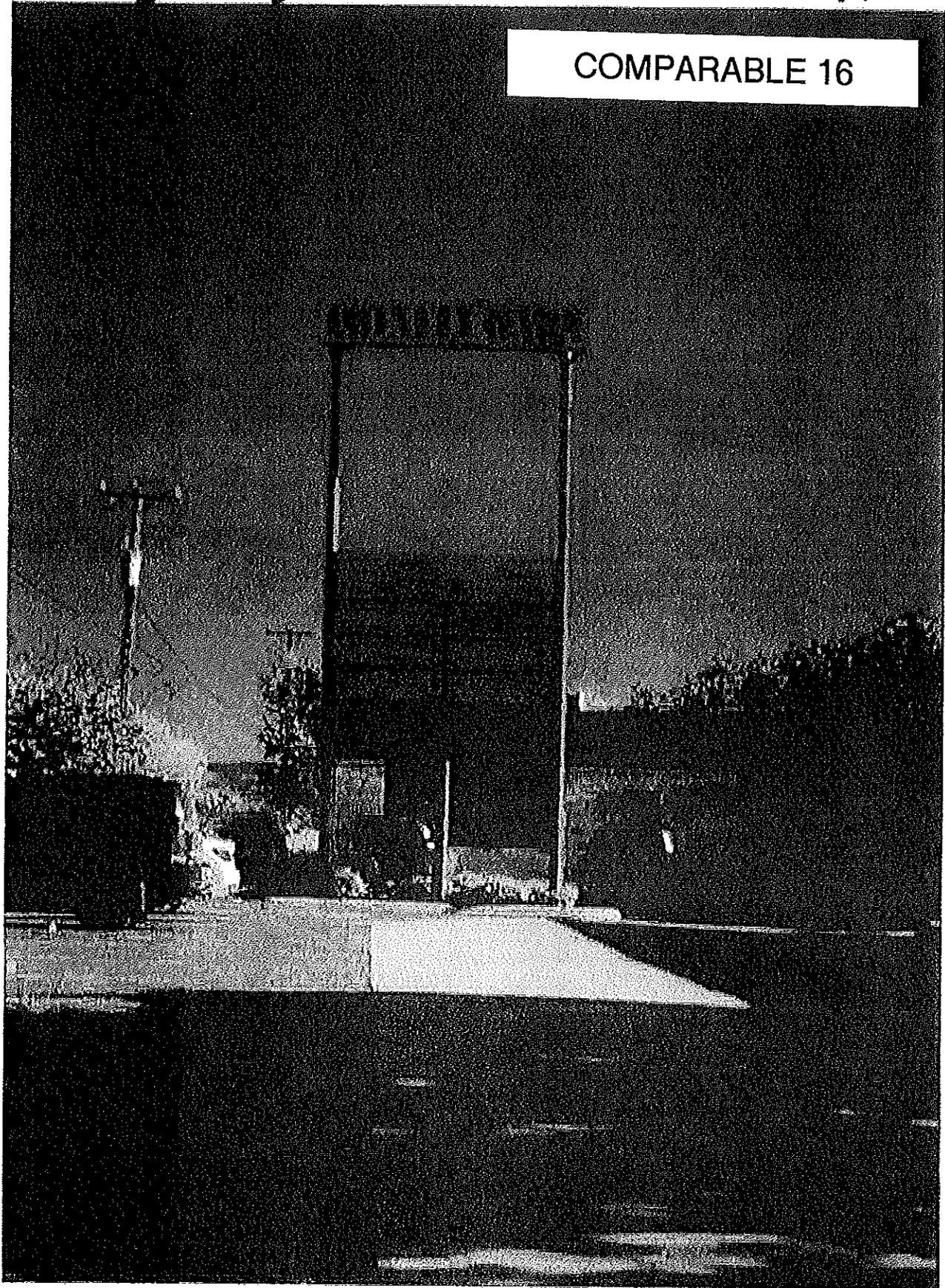
② Small Sign 25' tall 192 SF Area

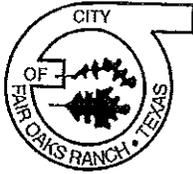
COMPARABLE 15



Large Sign 40-45' 290 SF Approx

COMPARABLE 16





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## CITY COUNCIL CONSIDERATION ITEM

### CITY OF FAIR OAKS RANCH, TEXAS

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AGENDA TOPIC: Approval of Ordinance amending the Code of Ordinances; Chapter 10; Article 10.02; Section 10.02; 009(B)(1) assessment of water and wastewater impact fees

START/END DATE: Date of Approval

DEPARTMENT: Administration

PRESENTED BY: Deputy City Administrator

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#### INTRODUCTION/BACKGROUND:

Local Government Code Chapter 395 states "assessment of impact fees shall be before or at the time of recordation of the subdivision plat or any other plat in the official records of the county clerk of the county in which the tract is located".

Impact Fee, in said Chapter, is defined as *a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development.* In the City's Code of Ordinances, Impact Fee is further defined as *a fee to be imposed upon new development, calculated based upon the growth-related costs of facilities in proportion to development creating the need for such facilities.*

Assessment is defined as *the determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to the city's subdivision ordinance.*

In January 2004, City Council, under Ordinance 145, approved the assessment of impact fees to be at the time of final plat approval.

After careful consideration, the Public Works Director finds that for clarity and for an efficient process of impact fee collection, in order to assess the fee as near as possible to the time of construction of the infrastructure, in order to recoup from the developer as much of the construction cost, and to minimize subsidization by existing rate payers, it is best to assess impact fees at the time of plat recordation. As such, the city's Code of Ordinances Chapter 10; Article 10.02; Section 10.02; 009(B)(1) needs to be amended.

#### POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. As recordation of plats is generally performed closer to construction time, assessment at time of recordation improves the collection process and avoids subsidization by existing rate payers.
2. Continued compliance with statute

#### LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

**LEGAL ANALYSIS:**

Reviewed as to form by City Attorney

**RECOMMENDATION/PROPOSED MOTION:**

Approval of ordinance amending the assessment of water and wastewater impact fees to be done at time of plat recordation in the official records of the appropriate county clerk.

ORDINANCE NO. 2016-xx

AN ORDINANCE OF THE CITY OF FAIR OAKS RANCH, TEXAS, AMENDING THE CITY CODE OF ORDINANCES; CHAPTER 10; ARTICLE 10.02; SECTION 10.02.009(B)(1) ASSESSMENT OF WATER AND WASTEWATER IMPACT FEES

WHEREAS, the City of Fair Oaks Ranch, Texas, is responsible for and committed to the provision of public facilities and services (including water and wastewater service) at levels necessary to cure any existing public service deficiencies in already developed areas; and

WHEREAS, new residential and nonresidential development causes and imposes increased and excessive demands upon Fair Oaks Ranch Water and Wastewater Utilities public facilities and services that would not otherwise occur; and

WHEREAS, in 1987 the Texas Legislature adopted Senate Bill 336, now Texas Local Government Code Chapter 395 stating assessment of impact fees shall be before or at the time of recordation of the subdivision plat in the official records of the county clerk of the county in which the tract is located; and,

WHEREAS, in January 2004, the City Council approved, under Ordinance 145.0, assessing impact fees at the time of final plat approval which is before recordation; and,

WHEREAS, the Fair Oaks Ranch Public Works Director desires, for clarity and process efficiency, assessment of impact fees be at time of recordation; and,

WHEREAS, the City Council now finds, pursuant to Texas Local Government Code Chapter 395, assessment of impact fees shall be at the time of recordation of the subdivision plat in the official records of the county clerk of the county in which the tract is located and as such finds it necessary to amend the City's Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:**

SECTION I. AMENDMENT

That the City Code of Ordinances, Chapter 10; Article 10.02; Section 10.02.009(b)(1) be amended as follows:

- b. Assessment of the impact fee for any new development shall be made as follows:
  1. For a development which is submitted for approval pursuant to the city's subdivision regulations and policies following the effective date of this article, assessment shall be at the time of *approval recordation of a subdivision plat or other plat in the official records of the county clerk of the county in which the tract is located*, and shall be in the amount as set forth in Appendix A; Fee Schedule in the Code of Ordinances.

SECTION II. REPEAL CLAUSE

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION III. SEVERABILITY AND EFFECTIVE DATE

If for any reason any section, paragraph, subsection, clause, phrase, word, or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a Court of competent jurisdiction it shall not affect any other section, paragraph, subsection, clause, phrase, work or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subsection, clause, phrase, work, or provision hereof be given full force and effect for its purpose.

This Ordinance shall take effect immediately upon passage and approval.

PASSED and APPROVED this the 3rd day of March, 2016.

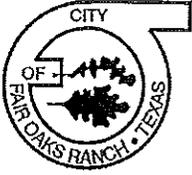
\_\_\_\_\_  
Cheryl Landman, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
P. Abrego, City Secretary

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City Attorney



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**CITY COUNCIL CONSIDERATION ITEM**  
**CITY OF FAIR OAKS RANCH, TEXAS**

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**AGENDA TOPIC:** Approval of resolution authorizing development of a wildlife education program and establishment of a citizen education committee.

**START/END DATE:** March 3, 2016

**DEPARTMENT:** Council

**PRESENTED BY:** Alderwoman Havard and Alderman Manitzas

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**INTRODUCTION/BACKGROUND:**

City Council resolved implementing a wildlife education program as part of a strategy to manage deer on January 21, 2016. To make this happen I propose a wildlife educational program be developed by the City to meet continuing education needs of citizens, aimed at raising awareness of wildlife issues and the impact of personal actions. In addition, propose use of a \_\_\_ person citizen committee to review available educational materials, develop unique materials for use, and recommend target populations, frequency of education, types of materials, methods to be used, and performance metrics.

**POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

1. Education directly supports citizen understanding of the impact of their actions and behaviors on wildlife and indirectly supports adherence to the proposed feeding ordinance.
2. Enables citizen participation in the process – an education program developed by the citizens for the citizens.
3. Demonstrates continuance of a timely and methodical process moving forward with implementing Council approved actions

**LONGTERM FINANCIAL & BUDGETARY IMPACT:**

Ongoing funding as Council determines in Annual Budget. Current budget has approximately \$40,000 available funds.

**LEGAL ANALYSIS:**

None

**RECOMMENDATION/PROPOSED MOTION:**

I move to pass a resolution supporting a wildlife educational program and establishing a citizen education committee, as edited by Council for implementation. Additionally I move that responsibility for implementation of the program be assigned to the City Administrator as part of that office's ongoing work plan, the City Administrator bring a proposed implementation plan to council within 90 days, and any actions implemented be in place for a recommended two years prior to taking this subject up for major review.

**RESOLUTION 2016--xx**

**A RESOLUTION AUTHORIZING THE CITY TO ENACT A WILDLIFE EDUCATION PROGRAM, AND TO ESTABLISH A CITIZEN COMMITTEE FOR THE PURPOSE OF DEVELOPING EDUCATIONAL MATERIALS AND TO RECOMMEND TARGET POPULATIONS, FREQUENCY OF EDUCATION, TYPES OF MATERIALS, METHODS TO BE USED AND PERFORMANCE METRICS.**

**WHEREAS**, the Council of Fair Oaks Ranch has determined to enact a wildlife education program to meet continuing education needs of citizens aimed at raising awareness of wildlife issues and the impact of personal actions; and

**WHEREAS**, the City of Fair Oaks Ranch has determined to establish a citizen committee, by Resolution which will be composed of not more than \_\_\_\_ members who are qualified by education and training related to development of educational programs and are not employees of the jurisdiction with one alternate member who shall be called by the Committee Chairperson, for the purpose of reviewing available educational materials, developing unique materials for use, and recommending target populations, frequency of education, types of materials, methods to be used, and performance metrics. Term of committee member appointment shall be at City Council desires.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:**

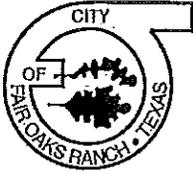
An educational program and committee will be established to define and meet objectives described above.

PASSED AND APPROVED this 3<sup>rd</sup> day of March, 2016.

ATTEST:

\_\_\_\_\_  
Cheryl Landman, Mayor

\_\_\_\_\_  
P. Abrego, City Secretary



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**CITY COUNCIL CONSIDERATION ITEM**  
**CITY OF FAIR OAKS RANCH, TEXAS**

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AGENDA TOPIC: Discussion of amending the City's Code of Ordinance Chapter 2, Sections 2.06.004 Feeding Deer and deleting Section 2.06.005 Municipal Authorized Management Activities.

START/END DATE: March 3, 2016

DEPARTMENT: Council/Police Department

PRESENTED BY: Alderwoman Havard, Alderman Manitzas, and Chief Rubin

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**INTRODUCTION/BACKGROUND:**

After several steps to move forward with development of a deer management strategy, the City Council approved to implement an education program and a feeding ordinance to manage deer on January 21, 2016. The purpose of today's Council discussion is to discuss repealing specific language and amending language regarding feeding of deer; as recommended below:

Sec. 2.06.004 Feeding Deer

- (a) ~~Subject to the limitation in section 2.06.005 of this article, no~~ **No** person shall purposely feed or provide food as described in subsection (c) of this section through a ground-feeding station or salt lick, or by any other means, to deer in the city on any public or private land.
- (b) For the purpose of this section, an *Axis* deer shall be deemed to be wild unless it is legally kept in an enclosed barn, fence or other structure on private property sufficient to prevent the deer from leaving the confines of such enclosed area. White Tailed Deer are deemed to be managed by the State of Texas and therefore shall be deemed illegal to own, or to have possession of, unless in accordance of the Texas Parks and Wildlife license and permits.
- (c) A person shall be deemed to have purposely fed or caused wild deer to be fed if the person places wheat, pellet livestock food, corn in any form, fruit, vegetables, hay or alfalfa, human food scraps, any form of commercially sold wildlife feed, birdseed or livestock feed, or any other edible matter that deer will consume (not including live vegetation such as ornamental landscaping or flowers) on the ground, or within reach of deer. This prohibition shall not apply to edible matter located either in an enclosed building or stored in a securely sealed package.
- (d) The prohibition of this section shall not apply to any peace officer, animal control officer, or other agent of the city acting pursuant to a deer management program in conformance with section 2.06.002 of this article.

~~Section 2.06.005~~ — Municipal authorized management activities

~~The specific activity limitations of this article shall be in effect only when municipal authorized deer management activity is being conducted.~~

**POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

1. This simple process allows for an easy change to wording in an already existing ordinance.
2. Discussion of this topic now, and for consideration later, allows maximum time for citizen exposure and their opportunity to review/comment.
3. Demonstrates continuance of a timely and methodical process moving forward with implementing Council approved actions

**LONGTERM FINANCIAL & BUDGETARY IMPACT:**

None

**LEGAL ANALYSIS:**

N/A until draft Ordinance is created.

**RECOMMENDATION/PROPOSED MOTION:**

As this is a discussion any recommendations made today will be reflected in a future draft Ordinance.