

**CITY OF COPPELL
PLANNING DEPARTMENT**

STAFF REPORT

**Amendment to Article 28A-5 & 28A-7 of the
Historic District of the Zoning Ordinance**

P&Z HEARING DATE: April 18, 2019

C.C. HEARING DATE: April 23, 2019

STAFF REP.: Matt Steer, Development Services Coordinator

LOCATION: Historic District

SIZE OF AREA: District is approximately 110 acres in size

PURPOSE: To revise Article 28A, “H” Historic District, Section 12-28A-5, Standards of Construction and, Section 12-28A-7, Signage Requirements; to provide for approval of signage by the Director of Community Development and **to allow the display of Mural Signs** and provide regulation thereof in the Historic District.

HISTORY: **Old Town Master Plan and Design Guidelines:**
The Old Coppel Master Plan was accepted by City Council in April of 2002. On May 13, 2003, Council amended the Land Use component of the 1996 Comprehensive Plan and enlarged the Historic Overlay district, as proposed in the Old Coppel Master Plan and as recommended in April 2003 by the Planning Commission. On January 11, 2005, the HO (Historic Overlay) district, containing various base zonings, was changed to a straight H (Historic) district, which includes standards for construction, sign regulations, design guidelines and use regulations specific to Old Coppel. In March 2011, Coppel 2030 was adopted which incorporated a Old Coppel Historic District Special area plan which references the Old Coppel Master Plan and Design Guidelines previously adopted.

Old Town (Main Street Development):

In January 2007, 17 acres of the property to the west was rezoned to Historic and the future land use plan was amended to allow for a continuation of the targeted uses outlined in the Old Coppel Master Plan - retail, offices, restaurants and similar uses. In August 2010, a final plat of the entire property was approved. This subdivided the larger tract of property for the purpose of establishing street rights-of-way and easements for necessary infrastructure to support development. This resulted in a total of seven blocks containing nine lots and seven different street segments. In April 2011, the zoning for the conceptual planned development was approved. This depicted the overall plan and presented the general regulations each Detailed Planned Development should follow. In April 2012, the first of the detail

plans was approved for 44 patio-home lots. In May 2012, the Old Town Square was approved as was the entry feature of the subject property and an 80-space parking lot. In August 2012, three retail/office cottages, a replica service station for a retail/restaurant site and a neon “Main Street Coppel” sign were approved. In October 2012, the Local Diner site was approved at the southeast corner of Bethel Road and Main Street, east of the entry tower. In February 2013, a planned development amendment was approved which allowed for administrative review and approval of detail plans when in general conformance with the Concept Plan and conditions. After this ordinance, ten additional sites were administratively approved. Then in April 2015, Council approved a Conceptual Plan Amendment for development of 11 single-family lots fronting Hammond Street. In October 2015, Council approved a 7,818-square-foot first floor coffee house with residential above (George Coffee and Provisions). In late 2016, a 4,900-square-foot office was administratively approved on the northwest corner of Travis and W Main Street. In January 2017, Council approved a Detail Plan to allow the development of 12 single-family lots fronting Burns Street. Each of these have since been constructed and are now occupied. Most recently, in September 2018 the Detail Planned Development for the Coppel Arts Center was approved and is currently under construction.

DISCUSSION:

This is a proposal to revise the sign section of the Historic District to add mural regulations and a process for signage approval. The goal of allowing murals is to promote/market the area through social media while adding to the overall aesthetics. Sarah Carrick, owner of Jacaranda Gift Shop, asked to install a fence on the north side of her property with a mural painted on it. Staff researched and found that murals are not addressed in the Code; therefore, we could not permit it. Staff presented options at the August 2018 Council Worksession. The direction given by City Council was to draft regulations to allow murals on commercial sites in the Old Town Historic District. A draft of the ordinance was presented at the January 8th and February 26th Council Worksessions. Staff researched surrounding cities’ ordinances and policies as they relate to murals. We consulted with the City Attorney regarding how to responsibly allow for murals and the legal implications involved. Attached is a summary of case law used as a basis in drafting the proposed regulations. The cases relate to content neutral regulations, commercial speech and review procedures.

Proposed Ordinance Summary:

1. Only one mural will be allowed per commercial site within the Historic District.
2. Maximum 75% of the façade may be covered.
3. No advertising of products or services is allowed.
4. They shall be maintained in good condition (i.e. no peeling or faded paint).
5. Approval from Director of Community Development is required for all signage within the H District.
6. If not approved, then an appeal to Planning and Zoning Commission is available.

Analysis:

At the January 8, 2019 Worksession, Council had concern related to what could be painted in the murals if permitted by right in the Historic District. They asked that we study differing scenarios. These are listed below along with the research.

1. What is the worst case that could happen if this ordinance is passed?
 - Someone could apply for a mural that is distasteful, vulgar, or contains a message that does not coincide with the ideals of the community (could be a

political or religious based sign). We would not have any legal basis for denying it if it met the content neutral parameters set up in the ordinance, as it relates to size and quantity. In theory, we have three levels of approval to safeguard against this. 1. The owner is required to sign off on the proposal. They regulate themselves for the most part. They won't invest in something that won't add value. 2. Specific to the Main Street Development, a POA is involved, which will be given a chance to sign off on the mural. 3. The city staff would then review it to make sure it doesn't contain advertising and meets the size requirements prior to signing off. Staff would make recommended changes at this time if something is questionable.

2. What is the worst case that could happen if we do nothing (no changes to the current ordinance)?

- We would treat it as a "sign" and most likely murals would not be allowed (in violation of the sign ordinance)
- There is not a method for anyone that wants to paint a mural to be granted approval by right.
- On a case by case basis, we could write PD regulations for allowing for a specific painted sign (mural) at a specific location.
- If they paint a mural without a sign permit, it would be deemed as graffiti, and they would have to remove it or paint over it.

3. What is the outcome if we prohibit murals?

- This would take away one of the potential opportunities of using "Instagram Murals" to promote the area through social media.

4. What can we regulate in terms of religious messages?

- Anything that has a religious implication can be difficult to regulate as it could violate the establishment or free exercise clause of the first amendment.

5. What are the specific requirements for the Old Town (Main Street) Development?

- The restrictive covenants for the Old Town (Main Street) development give the authority to the Property Owners Association (POA) to approve signage that is in accordance with the PD zoning and Design Guidelines for the area. These are the same as the regulations in place for the rest of Old Town, except they allow for signs to be painted on the building and allows for neon on the restaurants. After the POA gives their blessing, staff reviews it to ensure it complies before issuing the permit. This would be the same process we would use for murals.

Conclusion:

The goal of the proposed ordinance is to promote and market Old Town and to draw people to the area by allowing "Instagram Murals" while adding to the overall aesthetic character. Putting these regulations in place will remove the barriers and make it easier to accomplish that goal.

RECOMMENDATION:

Staff is recommending APPROVAL of the proposed ordinance amending Chapter 12, Article 28A, "H" Historic District, Section 12-28A-5, Standards of Construction and Section 12-28A-7 Signage Requirements; to provide for approval of signage by the Community Development Director and to establish regulations applicable to the display of Mural Signs in the Historic District.

ATTACHMENTS:

1. Summary of Surrounding Cities' Regulations
2. Summary of Case Law
3. Redlined H District of Zoning Ordinance
4. Proposed Ordinance