

**CITY OF COLLEGE STATION**  
*Home of Texas A&M University®*

**Zoning Board of Adjustment**  
**February 9, 2011**  
**6:00 PM**

**City Hall**  
**Council Chambers**  
**1101 Texas Avenue,**  
**College Station, Texas**

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**AGENDA**  
**ZONING BOARD OF ADJUSTMENT**  
**Regular Meeting**  
**Wednesday, February 09, 2011 at 6:00 PM**  
**City Hall Council Chambers**  
**1101 Texas Avenue**  
**College Station, Texas 77840**

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1. Call to order – Explanation of functions of the Board.
2. Consideration, discussion and possible action of absence requests from meetings
  - Chairman Rodney Hill ~ February 9, 2011
3. Consideration, discussion and possible action to approve meeting minutes.
  - November 2, 2010 meeting minutes.
4. Public hearing, presentation, possible action, and discussion regarding variance requests to Section 7.4, Signs, of the Unified development Ordinance for the property located at 901-917 William D. Fitch Parkway, located within the Tower Point Subdivision. Case # 1-00500002 (LH)
5. Consideration and possible action on future agenda items – A Zoning Board Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
6. Adjourn.

Consultation with Attorney {Gov't Code Section 551.071; possible action.

The Zoning Board of Adjustments may seek advice from its attorney regarding a pending and contemplated litigation subject or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. If litigation or attorney-client privileged information issues arise as to the posted subject matter of this Zoning Board of Adjustments meeting, an executive session will be held.

Notice is hereby given that a Regular Meeting of the Zoning Board of Adjustment of College Station, Texas will be held on Wednesday, February 09, 2011 at 6:00 p.m. at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda

Posted this the \_\_\_\_\_ day of \_\_\_\_\_, 2011 at \_\_\_\_\_ p.m.

**CITY OF COLLEGE STATION, TEXAS**

By \_\_\_\_\_  
Sherry Mashburn, City Secretary

I, the undersigned, do hereby certify that the above Notice of Regular Meeting of the Zoning Board of Adjustment of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, [www.cstx.gov](http://www.cstx.gov). The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on \_\_\_\_\_ p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: \_\_\_\_\_ by \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**CITY OF COLLEGE STATION, TEXAS**

By \_\_\_\_\_

Subscribed and sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public- Brazos County, Texas

My commission expires: \_\_\_\_\_

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call 979.764.3517 or (TDD) 800.735.2989. Agendas may be viewed on [www.cstx.gov](http://www.cstx.gov).

**Deborah Grace-Rosier - Fwd: Re: Zoning Board of Adjustment Agenda 2010-09-07**

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**From:** Deborah Grace-Rosier

**Subject:** Fwd: Re: Zoning Board of Adjustment Agenda 2010-09-07

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>>> "Hill, Rodney C" <[rhill@ARCH.TAMU.EDU](mailto:rhill@ARCH.TAMU.EDU)> 1/26/2011 9:38 AM >>>

Deborah

I found out today that the donor of my professorship will be in town on Feb. 8 & 9th and I have to entertain him for lunch and dinner on both dates.

Rodney  
676-0482



**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**November 2, 2010**  
**CITY OF COLLEGE STATION, TEXAS**  
**2<sup>nd</sup> Floor Conference Room # 1**  
**1101 Texas Avenue**  
**6:00 P.M.**

**MEMBERS PRESENT:** Chairman Rodney Hill, Josh Benn, Dick Dabney, Melissa Cunningham and Hunter Goodwin.

**STAFF PRESENT:** Staff Assistant Deborah Grace-Rosier, Staff Planner Lauren Hovde, Assistant Director Lance Simms, Assistant City Attorney Adam Falco.

**AGENDA ITEM NO. 1:** Call to order – Explanation of functions of the Board.

Chairman Hill called the meeting to order at 6:02 PM.

**AGENDA ITEM NO. 2:** Consideration, discussion and possible action of Absence Requests from meetings.

There were no requests to consider.

**AGENDA ITEM. NO. 3:** Discussion of requested Administrative Adjustments.

- 3406 Treeline Drive - 4.8% reduction (4.4 inches) to the 7.5-foot side setback. Approved Case # 10-00500215 (JP)
- 3514 Pikes Peak Court - 4.3% reduction (7.8 inches) to the 15-foot front setback (rear parking provided). Approved Case # 10-00500216 (JP)
- 3526 Colorado Court - 1.8% reduction (3.24 inches) to the 15-foot side street setback. Approved Case # 10-00500217 (JP)
- 3522 Colorado Court - 2.6% reduction (5.4 inches) to the 15-foot front setback (rear parking provided). Approved Case # 10-0050021

The Board had no questions for city staff.

**AGENDA ITEM NO. 4: Consideration, discussion and possible action to approve meeting minutes.**

- September 28, 2010, meeting minutes.

**Mr. Dabney motioned to approve the meeting minutes. Ms. Cunningham seconded the motion, which passed (5-0).**

**AGENDA ITEM NO. 5: Public hearing, presentation, possible action, and discussion on variance requests to the Unified Development Ordinance, Section 7.4 “Signs”, of the Unified Development Ordinance for the property located at 800 Aberdeen Place, Lot 4, Block 21, of the College Park Subdivision. Case # 10-00500228.**

Staff Planner Lauren Hovde presented the staff report and stated that the applicant is requesting signage to direct visitors and members to the St. Thomas parking area located at the dead-end of Aberdeen Place. The location of the proposed sign is not within the bounds of the church site nor is it contiguous to the church development. The proposed sign location is on a lot currently being used as a residence that is zoned R-1 Single-Family Residential, which does not allow for the use of directional traffic control signs. Therefore, the applicant is requesting variances to the following regulations:

- To allow Traffic Directional Control signage in the R-1 zoning district; and,
- To allow off-premise signage

Staff recommended denial based on the lack of a hardship and special condition.

Board Member Cunningham stated that she would abstain from voting since this is the Church she attends, but she would stay and be a part of the discussion.

Chairman Hill opened the public hearing.

David Woodcock, 1511 Wolf Run, College Station, Texas, spoke in favor of the variance requests. Mr. Woodcock stated that the hardships stem from the historic location of St. Thomas Episcopal Church. Other hardships listed were: parents of students and other individuals visiting for the first time and those needing to find the facility during a state of stress.

Rev. Dr. Rhoda Montgomery, 816 Pine Valley, College Station, Texas, spoke in favor of the request. Rev. Dr. Montgomery stated that residents that occupy the existing single-family properties at 800 and 802 Aberdeen Place do not have any objections to the variance requests. She also explained how hard it was for her to find the location when she joined the organization.

Those speaking before the Board were sworn in by Chairman Hill.

Chairman Hill closed the public hearing.

**Mr. Benn motioned to approve the variances due to the special conditions of: the layout of Dexter Drive, the size and construction of Aberdeen Place; and the hardship of inability to identify the property. Mr. Goodwin seconded the motion.**

The Board continued discussion concerning the requests and the possibility of setting precedent for other single-family lots.

Mr. Benn amended his motion to add the limitation of: approving the variance requests as submitted by the applicant. Mr. Goodwin seconded the amendment, which passed unopposed (4-0).

Chairman Hill called for the vote for the original motion to approve. The vote was (3-1-1). The motion failed. Ms. Cunningham abstaining from voting and Mr. Dabney voting for denial.

**AGENDA ITEM NO. 6:** Consideration and possible action on future agenda items – A Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

There were no items addressed.

**AGENDA ITEM NO. 7 :** Adjourn.

The meeting was adjourned at 6:55 PM.

**APPROVED:**

\_\_\_\_\_  
**Rodney Hill, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Deborah Grace-Rosier, Staff Assistant**



**VARIANCE REQUESTS  
FOR  
901-917 William D. Fitch Parkway**

**REQUEST:** Setback Variances for Low-Profile Signage

**LOCATION:** 901-917 William D. Fitch Parkway, located within the Tower Point Subdivision

**APPLICANT:** Chuck Ellison, The Ellison Firm

**PROPERTY OWNER:** College Station Marketplace, L.P.

**PROJECT MANAGER:** Lauren A. Hovde, Staff Planner  
[lhovde@cstx.gov](mailto:lhovde@cstx.gov)

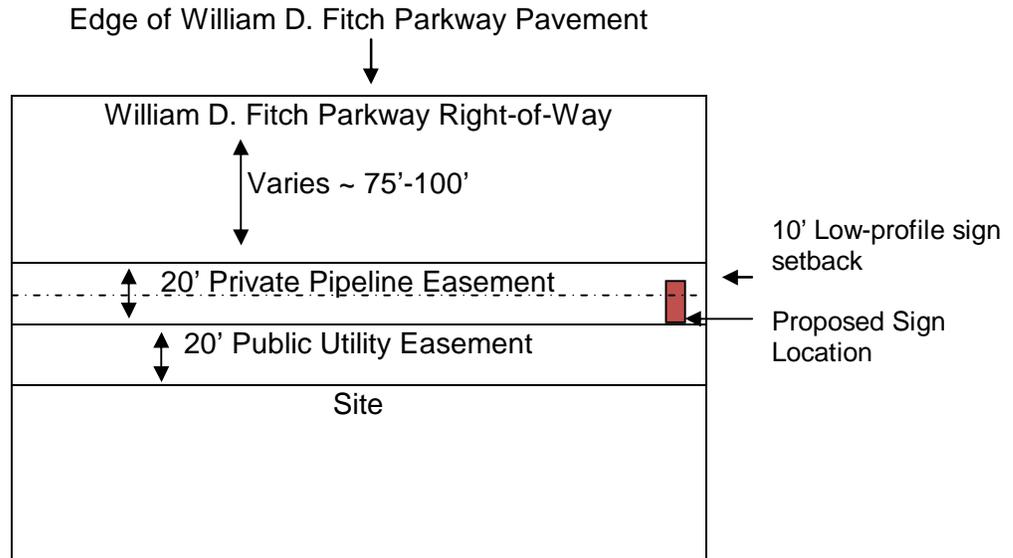
**RECOMMENDATION:** Approval.

**BACKGROUND:** The Tower Point Subdivision, located at the northwest corner of State Highway 6 South and William. D. Fitch Parkway has three existing freestanding signs. At the developer's discretion, the existing freestanding signs have been limited to two hundred square feet in area, in contrast to the three hundred square feet that are allowed, in order to utilize Section 7.4.N.10 which allows pad sites to have a low-profile sign to compensate for this reduction. The subject tract, situated between the existing Chase Bank and Arrington Road, consists of future pad sites that will each be eligible for a low-profile sign. As proposed, though subject to change, there are approximately eight to ten pad sites within this subject tract that are affected by the variance request.

Though low-profile signs must be setback a minimum of ten feet from the right-of-way, they are also required to be located outside of any public easement. In this situation, there is a twenty-foot private pipeline easement directly abutting the right-of-way which is followed by a twenty-foot public utility easement. The applicant has received permission to install a low-profile sign in the private pipeline easement, but due to the setback requirement, they are able to use only

ten feet of this private easement before encountering the public utility easement. A representative graphic of this situation is provided below.

In addition to the easement conflict mentioned above, the property line varies between 75 feet and 100 feet from the edge of pavement. **Therefore the applicant is requesting a five-foot variance to the required ten-foot setback for low-profile signs.**



**Graphic A: Not to scale**

**APPLICABLE ORDINANCE SECTION:** Section 7.4.F “Sign Standards” of the Unified Development Ordinance states that low-profile signs must be setback ten feet from the right-of-way, and may be 60 square feet in area and four feet in height.

**ORDINANCE INTENT:** To establish clear and unambiguous regulations pertaining to signs in the City of College Station and promote an attractive community, foster traffic safety, and enhance effective communication and exchange of ideas and commercial information.



DEVELOPMENT REVIEW      TOWER POINT      Case: 11-002      ZBA



## NOTIFICATIONS

Advertised Board Hearing Date: February 9, 2011

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

None

Property owner notices mailed: Four  
Contacts in support: None  
Contacts in opposition: None  
Inquiry contacts: None

## ZONING AND LAND USES

Direction	Zoning	Land Use
<b>Subject Property</b>	C-1 General Commercial and OV Greens Prairie Overlay District	Urban
<b>North</b>	C-1 General Commercial and OV Greens Prairie Overlay District	Urban
<b>South</b>	N/A	Freeway/Expressway
<b>East</b>	C-1 General Commercial and OV Greens Prairie Overlay District	Urban
<b>West</b>	C-1 General Commercial and OV Greens Prairie Overlay District	Urban

## PHYSICAL CHARACTERISTICS

- Frontage:** William D. Fitch Parkway directly abuts the southern side of the subject property, which is approximately 1465 feet in length. On the southwestern edge, there is also approximately 250 feet of frontage along Arrington Road.
- Access:** The subject property will have access to William D. Fitch, as well as a private drive connecting each future lot at the rear.
- Topography and vegetation:** The subject property has been cleared and graded. Sporadic trees remain within the William D. Fitch right-of-way.
- Floodplain:** There is no FEMA floodplain on the subject property.

## REVIEW CRITERIA

- Extraordinary conditions:** The existence of forty feet of easement, both private and public, directly against the right-of-way creates a situation not commonly found within the City. In addition, the distance between the edge of pavement within TxDOT right-of-way and the property line creates an additional setback that is not required by the Unified Development Ordinance.

2. **Enjoyment of a substantial property right:** Strict application of this ordinance will prohibit the property owner from utilizing the full 60 square feet of low-profile signage as allowed by the Unified Development Ordinance. As shown in Graphic A, the setback reduces the sign width by five feet, which equates to a loss of 20 square feet when allowing a four foot tall sign.
3. **Substantial detriment:** The granting of these variances will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area or to the City in administering this UDO.
4. **Subdivision:** All private property that directly abuts the subject property is located within the Tower Point Subdivision. Variances should have no impact on the future development of those properties.
5. **Flood hazard protection:** There is no floodplain within the subject property.
6. **Other property:** The easement and right-of-way conditions that exist on this property are similar to those found on the eastern side of State Highway 6. However, neither situation is considered commonplace, and the subject property is a wider distance from the edge of pavement in some areas.
7. **Hardships:** A reduced sign square footage or increased setback would reduce the effectiveness of the signage that is allowed to this site by right due to the reduced square footage of the freestanding signs.
8. **Comprehensive Plan:** The Comprehensive Plan designates this site as Urban and as being part of Growth Area II which allows for the General Commercial development that is proposed for the subject property. As an early image-setting gateway, this location is intended to offer the first experience of College Station to a visitor. Therefore, the site is important in providing a first impression to traffic entering the City from the south, and is intended to be the location of enhanced City identification signage.
9. **Utilization:** The application of the UDO standards to this particular piece of property could prohibit or unreasonably restrict the applicant in the utilization of commercial advertisement by either reducing the square footage of the signage or increasing the setback that in an extreme placement could be at least 165 feet from edge of pavement.

## **ALTERNATIVES**

The applicant has stated that an abandonment of the easement parallel to William D. Fitch Parkway is the alternative to setback variances. Several City departments have discussed this option and do not believe this alternative to be advisable. Staff has identified another possible alternative to the variance requests is to place the low-profile signage behind the 20-foot public utility easement and 20-foot pipeline easement to allow the allocated 60 square feet to be used.

## **STAFF RECOMMENDATION**

Staff recommends approval based on combined special conditions of 40 feet of easements abutting the extended distance to the edge of pavement. Staff believes that the special condition creates a hardship due to the applicant's inability to make reasonable use of the

property in accordance with the literal requirements of the Unified Development Ordinance, in terms of low-profile signage.

**SUPPORTING MATERIALS**

1. Application



FOR OFFICE USE ONLY  
CASE NO.: 11.2  
DATE SUBMITTED: 1.07.11  
TIME: 9:00  
STAFF: AC

## ZONING BOARD OF ADJUSTMENT APPLICATION

### MINIMUM SUBMITTAL REQUIREMENTS:

- \$350 Zoning Board of Adjustment Application Fee. PD·AC
- Application completed in full. This application form provided by the City of College Station must be used and may not be adjusted or altered. Please attach pages if additional information is provided.
- Additional materials may be required of the applicant such as site plans, elevation drawings, sign details, and floor plans. The applicant shall be informed of any extra materials required.

Date of Optional Preapplication Conference n/a

ADDRESS Tower Point lots on the east side of W. D. Fitch Parkway, College Station, Texas

LEGAL DESCRIPTION (Lot, Block, Subdivision) Lots 15 - 22, Tower Point Subdivision - See attached

### APPLICANT/PROJECT MANAGER'S INFORMATION (Primary contact for the project):

Name Chuck Ellison E-mail chuck@ellisonlaw.com

Street Address 302 Holleman Drive East, Suite 76

City College Station State TX Zip Code 77840

Phone Number 979/696-9889 Fax Number 979/693-8819

### PROPERTY OWNER'S INFORMATION (Please attach an additional sheet for multiple owners):

Name College Station Marketplace, L.P. E-mail \_\_\_\_\_

Street Address 520 Post Oak Blvd., Suite 850

City Houston State TX Zip Code 77027

Phone Number 713/623-0188 Fax Number 713/623-0178

Current zoning of subject property C-1 General Commercial

### Action requested (check all that apply):

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Setback variance | <input type="checkbox"/> Appeal of Written Interpretation |
| <input type="checkbox"/> Parking variance            | <input type="checkbox"/> Special Exception                |
| <input type="checkbox"/> Sign variance               | <input type="checkbox"/> Drainage Variance                |
| <input type="checkbox"/> Lot dimension variance      | <input type="checkbox"/> Other _____                      |

### Applicable ordinance section to vary from:

Section 7.4 F - UDO

GENERAL VARIANCE REQUEST

1. The following specific variation from the ordinance is requested:

See attached Addendum, item #1.

2. This variance is necessary due to the following special conditions:

**Special Condition Definition:** To justify a variance, the difficulty must be due to unique circumstances involving the particular property. The unique circumstances must be related to a physical characteristic of the property itself, not to the owner's personal situation. This is because regardless of ownership, the variance will run with the land.

**Example:** A creek bisecting a lot, a smaller buildable area than is seen on surrounding lots, specimen trees.

**Note:** A cul-de-sac is a standard street layout in College Station. The shape of standard cul-de-sac lots are generally not special conditions.

See attached Addendum, item #2.

3. The unnecessary hardship(s) involved by meeting the provisions of the ordinance *other than financial hardship* is/are:

**Hardship Definition:** The inability to make reasonable use of the property in accord with the literal requirements of the law. The hardship must be a direct result of the special condition.

**Example:** A hardship of a creek bisecting a lot could be the reduction of the buildable area on the lot, when compared to neighboring properties.

See attached Addendum, item #3.

4. The following alternatives to the requested variance are possible:

See attached Addendum, item #4.

5. This variance will not be contrary to the public interest by virtue of the following facts:

See attached Addendum, item #5.

*The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true, correct, and complete. IF THIS APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, this application must be accompanied by a power of attorney statement from the owner. If there is more than one owner, all owners must sign the application or the power of attorney. If the owner is a company, the application must be accompanied by proof of authority for the company's representative to sign the application on its behalf.*



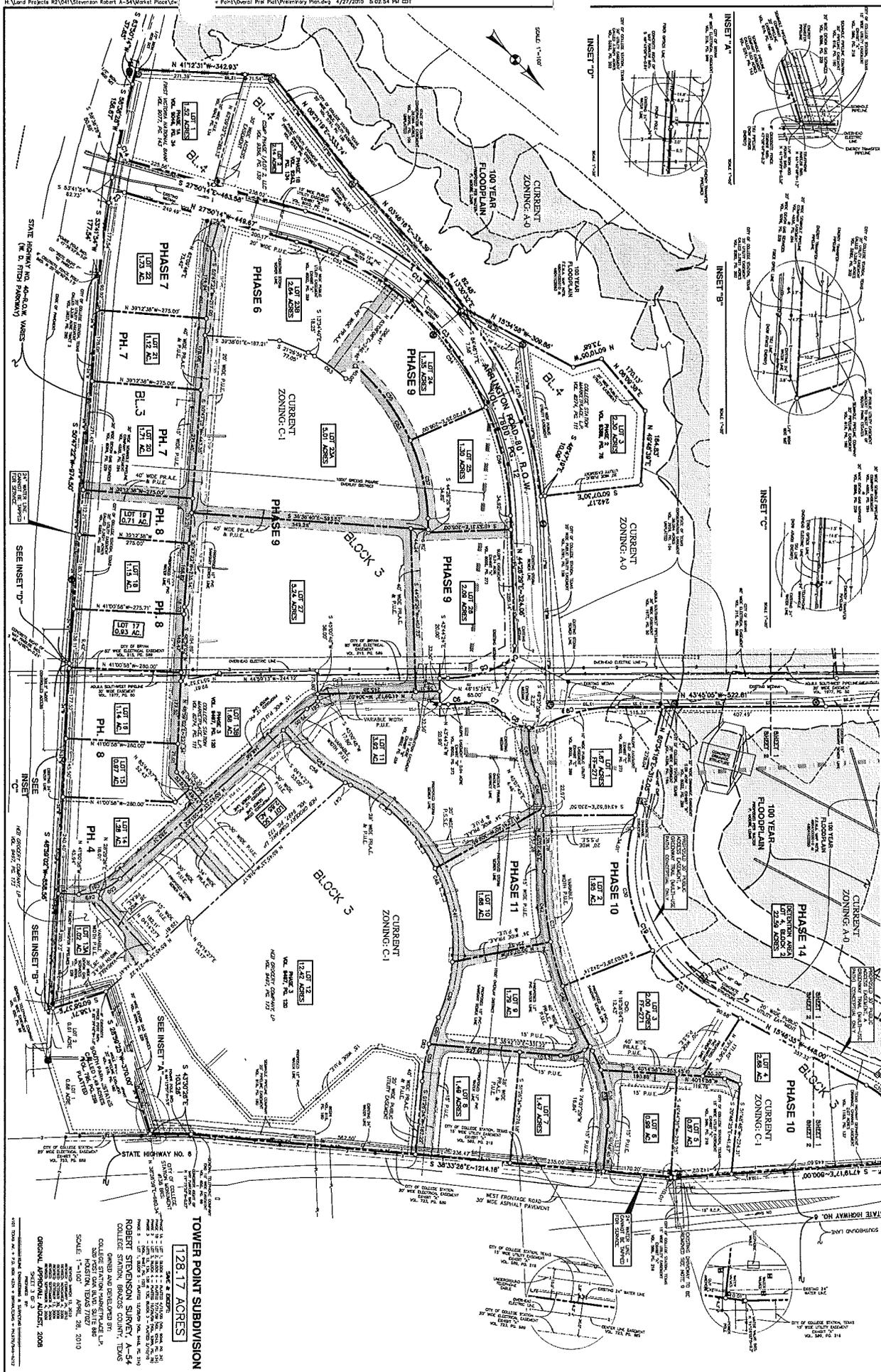
Signature and title

1.6.11

Date

## Addendum to General Variance Request

- Item # 1. Low profile signs must be set back from the right of way by 10 feet (10'). The applicant is requesting that the setback be reduced from ten feet (10') to five feet (5').
- Item # 2. The unique circumstance involving this property is (1) the amount of right of way between the edge of pavement and the property line; (2) the twenty foot (20') public utility easement. The City will not allow a sign to be built in its public utility easement.
- Monument signs are limited to four feet (4') in height only. They are also limited to a total of sixty (60) square feet. If the variance is not granted the monument sign would only be forty (40) total square feet (4 feet high x 10 feet long) which is a permanent loss of twenty (20) square feet of signage per monument sign. The applicant reduced the size of its pylon sign from 300 feet to 200 feet in order to avail itself of monument signs pursuant to Section 7.4 N. 10 of the UDO. In most cases in the city, the property line abuts or nearly abuts the pavement. In this case, the distance between the property line and pavement ranges between 75 feet and 125 feet.
- Item #3. The setback permanently limits the size of the monument sign to twenty feet (20') less than is authorized by the ordinance.
- Item #4. To abandon the City's public utility easement so the signage can extend five feet (5') into the property.
- Item #5. The variance will not be contrary to the public interest because of the amount of right of way lying between the property line and the pavement section.



11.2  
1.7.11  
9:00  
AC