



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

Zoning Board of Adjustment
December 4, 2012
5:30 PM ~ Workshop Meeting
6:00 PM ~ Regular Meeting

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



Agenda
Zoning Board of Adjustment
Workshop Meeting
Tuesday, December 4, 2012 at 5:30 PM
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas 77840

1. Call to order.
2. Discussion of Regular Agenda items.
3. Presentation, possible action, and discussion regarding the Role and Responsibility of the Zoning Board of Adjustment.
4. 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.
5. 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 Workshop Meeting of the Zoning Board of Adjustment of College Station, Texas will be held on Tuesday, December 4, 2012 at 5:30 PM 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 _____, 2012 at ____ p.m.

CITY OF COLLEGE STATION, TEXAS

By _____
Sherry Mashburn, City Secretary

I, the undersigned, do hereby certify that the above Notice of Workshop 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. 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 preceding 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 _____, 2012.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the ____ day of _____, 2012.

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) 764-3541 or (TDD) 1-800-735-2989. Agendas may be viewed on www.cstx.gov.



AGENDA
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, December 4, 2012 at 6:00 PM
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas 77840

1. Call to order – Explanation of functions of the Board.
2. Discussion of approved requested Administrative Adjustments.
 - Case # 12-239 ~ 201 Holleman Drive East ~ Off-Street Parking (TR)
 - Case # 12-240 ~ 4207 Norwich ~ Residential Dimensional Standards (MTH)
3. Consideration, discussion and possible action to approve meeting minutes.
 - October 2, 2012 meeting minutes.
4. Public hearing, presentation, discussion, and possible action on a sign variance request to the Unified Development Ordinance, Section 7.5.N, Freestanding Commercial Signs, to allow a freestanding sign to be located at 1150 University Drive East. **Case # 12-005000206 (TR)**
5. Public hearing, presentation, discussion, and possible action on a sign variance request to the Unified Development Ordinance, Section 7.5.N, Freestanding Commercial Signs, to allow a reduced setback for a freestanding sign at 12850 Old Wellborn Road #300. **Case # 12-00500210 (MTH)**
6. Public hearing, presentation, discussion, and possible action on a sign variance request to the Unified Development Ordinance, Section 7.5.Y, Signs for Permitted Non-residential Uses in Residential or Agricultural Districts, to allow a height and area increase for a sign at 2541 Earl Rudder Freeway South. **Case # 12-00500219 (TR)**
7. 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.
8. 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 Tuesday, December 4, 2012 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 _____, 2012 at _____ p.m.

CITY OF COLLEGE STATION, TEXAS

By _____
Sherry Mashburn, City Secretary

By _____
David Neeley, City Manager

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. 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 _____, 2012.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the _____ day of _____, 2012.

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.



MINUTES
ZONING BOARD OF ADJUSTMENT
Regular Meeting
October 2, 2012
Council Chambers
1101 Texas Avenue
6:00 P.M.

MEMBERS PRESENT: Chairman Hunter Goodwin, Jim Davis, Dick Dabney, Scott Simpson, Josh Benn

MEMBERS ABSENT: Marsha Sanford

STAFF PRESENT: Staff Assistant Deborah Grace-Rosier, Staff Planners Morgan Hester, Assistant Director Lance Simms, Assistant City Attorney Adam Falco, Action Center Representative Jordan Wood

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

Chairman Goodwin called the meeting to order at 6:03 p.m.

AGENDA ITEM NO. 2: Consideration of absence requests.

- Josh Benn ~ September 4, 2012

Board Member Jim Davis motioned to approve the request. Board Member Simpson seconded the motion. Board Member Josh Benn abstained from voting. Motion to approve passed (4-0-1).

AGENDA ITEM NO. 3: Consideration, discussion and possible action to approve meeting minutes.

- September 4, 2012 meeting minutes

Board Member Dick Dabney motioned to approve the September 4, 2012 meeting minutes. Board Member Jim Davis seconded the motion, which passed (5-0).

AGENDA ITEM NO. 4: Presentation, possible action, and discussion on a variance request to the Unified Development Ordinance, Section 5.2., ‘Residential Dimensional Standards’ at 1023 James Parkway Case # 12-00500185 (MTH)

Staff Planner Morgan Hester presented the staff report and stated that the applicant is requesting a variance of 1-foot to the 7.5’ side building setback to rectify an encroachment. Ms. Hester ended her staff report by telling the Board that staff is recommending denial.

Chairman Hunter Goodwin opened the public hearing.

Tammie Bissett, 1023 James Parkway, College Station, Texas, stepped before the Board and was sworn in by Chairman Hunter Goodwin. Ms. Bissett spoke in favor of the request. She explained to the Board the details of how the encroachment happened.

There was general discussion amongst the Board.

Chairman Hunter Goodwin closed the public hearing.

Board Member Josh Benn motioned to approve a 1-foot variance to the side building setback due to special conditions of: the shape of the lot, alleyway, utility easements and right-of-way; and the hardship being: lack of reasonable use of the property. Board Member Jim Davis seconded the motion. Motion to approve passed (4-0-1). Board Member Scott Simpson voting for denial

AGENDA ITEM NO. 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.

No action was taken.

AGENDA ITEM NO. 6: Adjourn.

The meeting was adjourned at 6:18 p.m.

ATTEST:

APPROVED:

Deborah Grace-Rosier, Staff Assistant

Hunter Goodwin, Chairman



**VARIANCE REQUEST
FOR
1150 University Drive East**

REQUEST: A variance to allow an additional freestanding sign

LOCATION: 1150 University Drive East

APPLICANT: Texas Hotel Management c/o Stalworth Real Estate

PROPERTY OWNER: Mae Dean Wheeler, Trustee

PROJECT MANAGER: Teresa Rogers, Staff Planner
trogers@cstx.gov

RECOMMENDATION: Staff recommends denial.

BACKGROUND: In 1999, the subject property was final platted as one lot and contains 356 feet of linear frontage along University Drive. According to the Unified Development Ordinance (UDO) each building plot is allowed one freestanding sign, or a number of low profile signs if the linear frontage of the property exceeds 75 feet. If a freestanding sign is used, it is common for the tenants to share the allowable signage area. In this case, Phase One of the lot was developed as a site for Red Lobster in 2006. Under the current property owner, a sign permit was granted to Red Lobster for a freestanding sign of with an area of 197 square feet. The maximum allowable sign area for a freestanding sign on this lot is 200 square feet, leaving three square feet of signage for other establishments on the site. **Therefore, the applicant is requesting a variance to UDO Section 7.5.N, Freestanding Commercial Signs, to allow an additional freestanding sign.**

APPLICABLE ORDINANCE SECTION: Section 7.5.N, Freestanding Commercial Signs

ORDINANCE INTENT: The purpose of the City's sign regulations is to establish clear and unambiguous regulations pertaining to signs in the City of College Station and to promote an attractive community, foster traffic safety, and enhance the effective communication and exchange of ideas and commercial information. The UDO seeks to provide a reasonable balance between the right of a person to identify his or her business or activity and the rights of the public to be protected against visual discord and safety hazards that result from the unrestricted proliferation, location, and construction of signs.



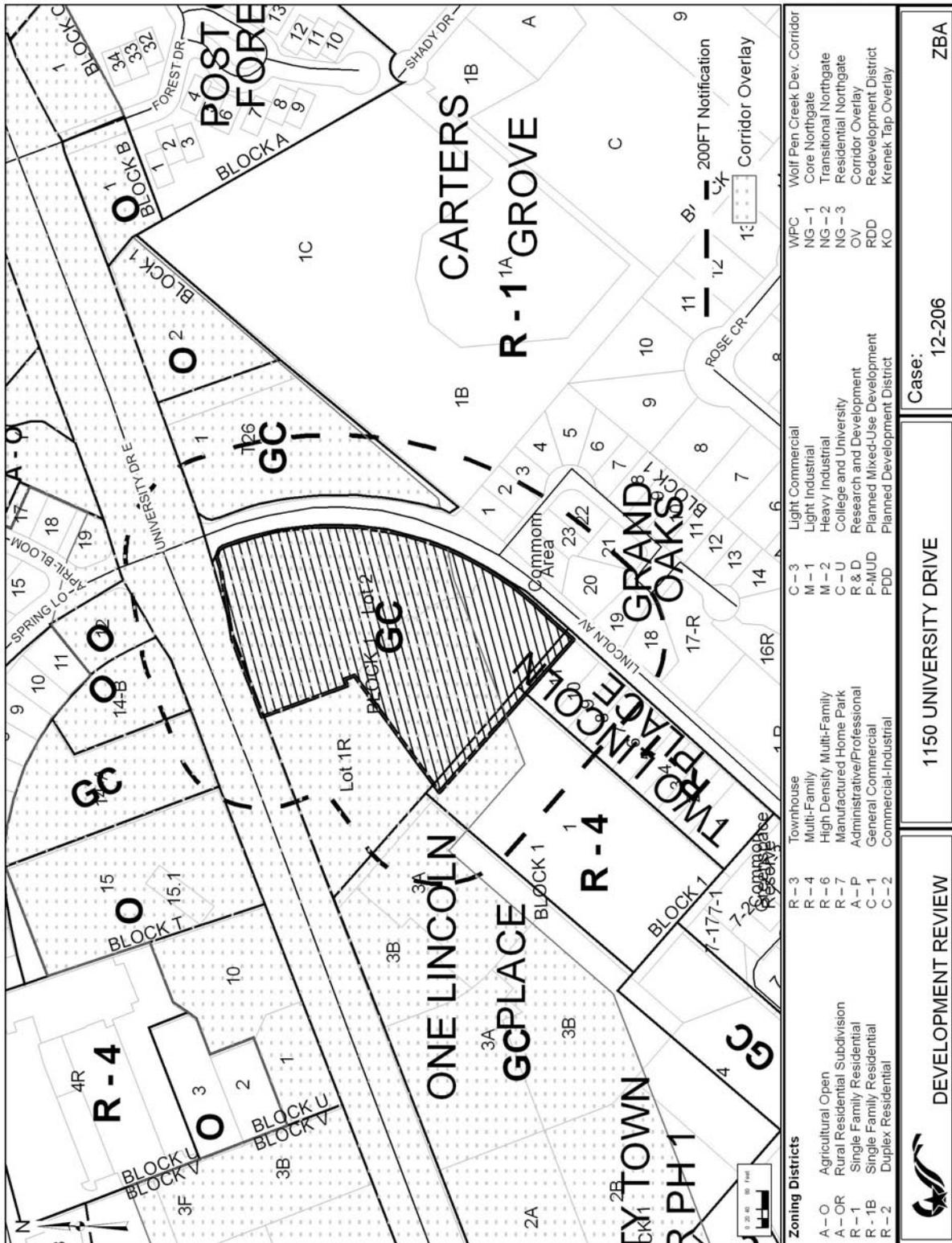
ZBA

Case: 12-206

1150 UNIVERSITY DRIVE

DEVELOPMENT REVIEW





Zoning Districts	
A-O	Agricultural Open
A-OR	Rural Residential Subdivision
R-1	Single Family Residential
R-1B	Single Family Residential
R-2	Duplex Residential
R-3	Townhouse
R-4	Multi-Family
R-6	High Density Multi-Family
R-7	Manufactured Home Park
A-P	Administrative/Professional
C-1	General Commercial
C-2	Commercial-Industrial
C-3	Light Commercial
M-1	Light Industrial
M-2	Heavy Industrial
C-U	College and University
R & D	Research and Development
P-MUD	Planned Mixed-Use Development
PDD	Planned Development District
WPC	Wolf Pen Creek Dev. Corridor
NG-1	Core Northgate
NG-2	Transitional Northgate
NG-3	Residential Northgate
OV	Corridor Overlay
RDD	Redevelopment District
KO	Krenek Tap Overlay

DEVELOPMENT REVIEW

1150 UNIVERSITY DRIVE

Case: 12-206

ZBA

NOTIFICATIONS

Advertised Board Hearing Date: December 4, 2012

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:

College Station Grand Oaks Homeowners' Association Inc

Property owner notices mailed: 23
 Contacts in support: None as of date of Staff Report.
 Contacts in opposition: Two as of date of Staff Report.
 Inquiry contacts: Four as of date of Staff Report.

ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	GC General Commercial and OV Corridor Overlay	Phase One: Restaurant Phase Two: Vacant
North	GC General Commercial and OV Corridor Overlay	Hotel
South	R-1 Single-Family Residential	Across Lincoln Avenue is single-family residential
East	GC General Commercial and OV Corridor Overlay	Across Lincoln Avenue is a hotel
West	R-1 Single Family Residential and R-4 Multi-Family	Single-family residential and apartment buildings

PHYSICAL CHARACTERISTICS

- Frontage:** Approximately 350 feet of frontage on University Drive East and approximately 850 feet of frontage along Lincoln Avenue.
- Access:** Access to the subject property is from Lincoln Avenue and University Drive East (via a private cross-access easement).
- Topography and vegetation:** The site consists of a mixture of impervious surfaces for the existing Red Lobster development and some natural vegetation in the floodplain.
- Floodplain:** Portions of the subject property lie within the FEMA designated AE floodplain.

REVIEW CRITERIA

- Extraordinary conditions:** *That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of the UDO will deprive the applicant of the reasonable use of his land.*

The applicant states, "The property is L shaped and the building pad will be over 400 feet from the centerline of University Drive and behind the creek and its related

vegetation.” However, it is Staff’s opinion that the existing freestanding sign on the property is clearly visible from University Drive. Furthermore, since the proposed hotel will be multi-storied, the allowable attached signage would also be visible from surrounding streets.

The applicant also stated that a University Drive address would be confusing to users trying to find the location if they are looking for it on University Drive and the driveway is not marked. However, the UDO allows directional traffic control signs (in addition to free standing signage and attached signage) to guide customers to the location. Therefore, in Staff’s opinion, the applicant has not provided evidence that a special condition exists on the property such that the strict applications of the provisions of the UDO would deprive the applicant of the reasonable use of the property.

2. Enjoyment of a substantial property right: *That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.*

This variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant. The subject property is allowed one freestanding sign, which is currently located near the corner of University Drive East and Lincoln Avenue. Most of the allowable area of the sign is currently being used by Red Lobster; however, it could be modified to accommodate signage for the proposed development. The property owner also has the option of removing the existing freestanding sign and replacing it with any number of low profile signs, so long as there is a minimum separation between signs of 150 feet. Additionally, attached signs and directional traffic control signs would be allowed for the proposed development.

3. Substantial detriment: *That the granting of the variance 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.*

The granting of this variance would be contrary to the provisions of the UDO.

4. Subdivision: *That the granting of the variance will not have the effect of preventing the orderly subdivision of land in the area in accordance with the provisions of this UDO.*

The granting of this variance would not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the UDO.

5. Flood hazard protection: *That the granting of the variance will not have the effect of preventing flood hazard protection in accordance with Article 8, Subdivision Design and Improvements.*

The granting of this variance will not have the effect of preventing flood hazard protection in accordance with Article 8, Subdivision Design and Improvements.

6. Other property: *That these conditions do not generally apply to other property in the vicinity.*

All businesses in the vicinity are required to abide by the same standards outlined in Section 7.5 Signs of the UDO. In fact, there are several examples on University Drive where establishments have shared freestanding signs, including hotels.

7. Hardships: *That the hardship is not the result of the applicant's own actions.*

It is Staff's opinion that a hardship does not exist on the property. The proposed development is permitted to share freestanding signage with the existing building (Red Lobster) Furthermore, the proposed development would also be allowed to utilize attached signs and directional traffic control signs under the ordinance.

8. Comprehensive Plan: *That the granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this UDO.*

The granting of this variance does not substantially conflict with the Comprehensive Plan but does conflict with the provisions of the UDO in that it does not protect the public's right to be protected against visible discord and safety hazards that result from the unrestricted proliferation, location, and construction of signs.

9. Utilization: *That because of these conditions, the application of the UDO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.*

The application of the UDO standards to this particular piece of property does not prohibit or unreasonably restrict the applicant in the utilization of their property. If the variance is denied, the applicant can still develop the property. Additionally, as mentioned previously, the proposed development can take advantage of several types of signage allowed by the UDO.

ALTERNATIVES

The applicant has not proposed any alternatives to the granting of the variance requests. However, the applicant could modify the sign currently being used by Red Lobster to accommodate signage for the proposed development. The property owner may also remove the existing freestanding sign and replace it with any number of low profile signs, so long as there is a minimum separation between signs of 150 feet. Additionally, attached signs and directional traffic control signs would be allowed for this development.

STAFF RECOMMENDATION

Staff recommends denial of the variance request. In Staff's opinion the applicant has failed to demonstrate that a special condition or hardship exists in this case.

SUPPORTING MATERIALS

1. Application
2. Applicant's Exhibits



FOR OFFICE USE ONLY	
CASE NO.:	<u>12-206</u>
DATE SUBMITTED:	<u>9-26-12</u>
TIME:	<u>9:40</u>
STAFF:	<u>RK</u>

ZONING BOARD OF ADJUSTMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:

- \$350 Zoning Board of Adjustment Application Fee.
- 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 September 12, 2012

ADDRESS 1150 University Drive, College Station, TX

LEGAL DESCRIPTION (Lot, Block, Subdivision) Wheeler Phase 2, Block 1, Lot 2 (pts of) 2.68 acres

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

Name Texas Hotel Management c/o Staworth Real Estate E-mail fgh@stalworthonline.com

Street Address 1700 George Bush Drive East, Suite. #240

City College Station State TX Zip Code 77840

Phone Number 979-696-1444 Fax Number _____

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

Name Mae Dean Wheeler, Trustee E-mail garcia@mdwheelercompanies.com

Street Address 1919 Whitney Street

City Houston State TX Zip Code 77006

Phone Number 713-355-5355 Fax Number 713-355-1082

Current zoning of subject property General Commercial

Action requested (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Setback variance | <input type="checkbox"/> Appeal of Written Interpretation |
| <input type="checkbox"/> Parking variance | <input type="checkbox"/> Special Exception |
| <input checked="" 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:

UDO Section 7.4.N - Free Standing Commercial Signs

GENERAL VARIANCE REQUEST

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

See Attached

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

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

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

See Attached

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

See Attached

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.

Mae Dean Wheeler trustee September 25, 2012
Signature and title Date

General Variance Request
1150 University Drive, College Station 77840

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

Applicant requests a variance from the sign ordinance so that a monument sign be located along University Drive in the location shown as "Proposed Monument Sign" on Exhibit "A" attached hereto. The anticipated sign would be similar to the Hyatt Place monument on the neighboring property as shown on Exhibit "B" attached hereto.

2. The Variance is necessary due to the following special conditions:

- Property Shape: The Property is "L" shaped and the building pad will be over 400' from the centerline of University Drive and behind the creek and its related vegetation. The "L" shape creates a problem not only with distance but also in that the building will sit behind an already developed hotel tract further limiting customers' ability to find the Property.
- Creek: Due to the creek running across the front of the Property and the related vegetation, the building pad is placed in the back of the Property. As you can tell from the photos in Exhibit "B" attached hereto, the building location is very obscured.
- Address: This property has a University Drive address and it will be misleading and confusing to users trying to find the location if they are looking for it on University Drive and the driveway is not marked.

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

- Existing Signage: The overall site has over 1,200' of street frontage along University and Lincoln combined. 340' of this are along University. Since the ordinance is only using the University Drive frontage, Red Lobster's sign is already maxing out the signage allowed. Since the Property has so much frontage along Lincoln, and a University Drive address, the lack of using the Lincoln frontage when calculating the allowed signage allowed is a hardship. Additionally, Red Lobster is under no obligation to allow additional signage on their sign. Note that the Red Lobster sign is approximately 260' from the Property's access drive where the new monument would be located.
- Confusion: Since the Red Lobster sign is located approximately 260' from the Property's drive, signage would prove to be both misleading and confusing to customers if the signage were to be shared in that one location. The overall development has over 1,200' of street frontage and this much frontage needs more than one sign to safely direct customers to the correct location.
- Comprehensive Plan: It will be impossible to develop the property per the comprehensive plan without signage on University Drive. Lincoln does not offer enough visibility to passing traffic for the property to be developed as such.

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

As an alternative the monument sign could be located in the "Alternate Sign Location" depicted on Exhibit "A".

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

- Distance From Other Signs: The proposed monument sign will be approximately 255' from the existing Red Lobster Sign and approximately 410' from the adjacent Hyatt Place monument sign. The average sign distance across University Drive in that block is about 170'. So, even with the variance approval the new monument sign distance from other signs will be well above the average. See Exhibit "C" attached hereto showing other sign locations in the area.
- Direction: A monument sign like what others have along University Drive will provide adequate direction to customers looking for the entrance to a building that is obscured by a creek and its vegetation. This will prevent driver confusion and allow those traveling university to safely find their destination without having to pass it several times.

Exhibit "B"

From Building Pad looking toward University Drive



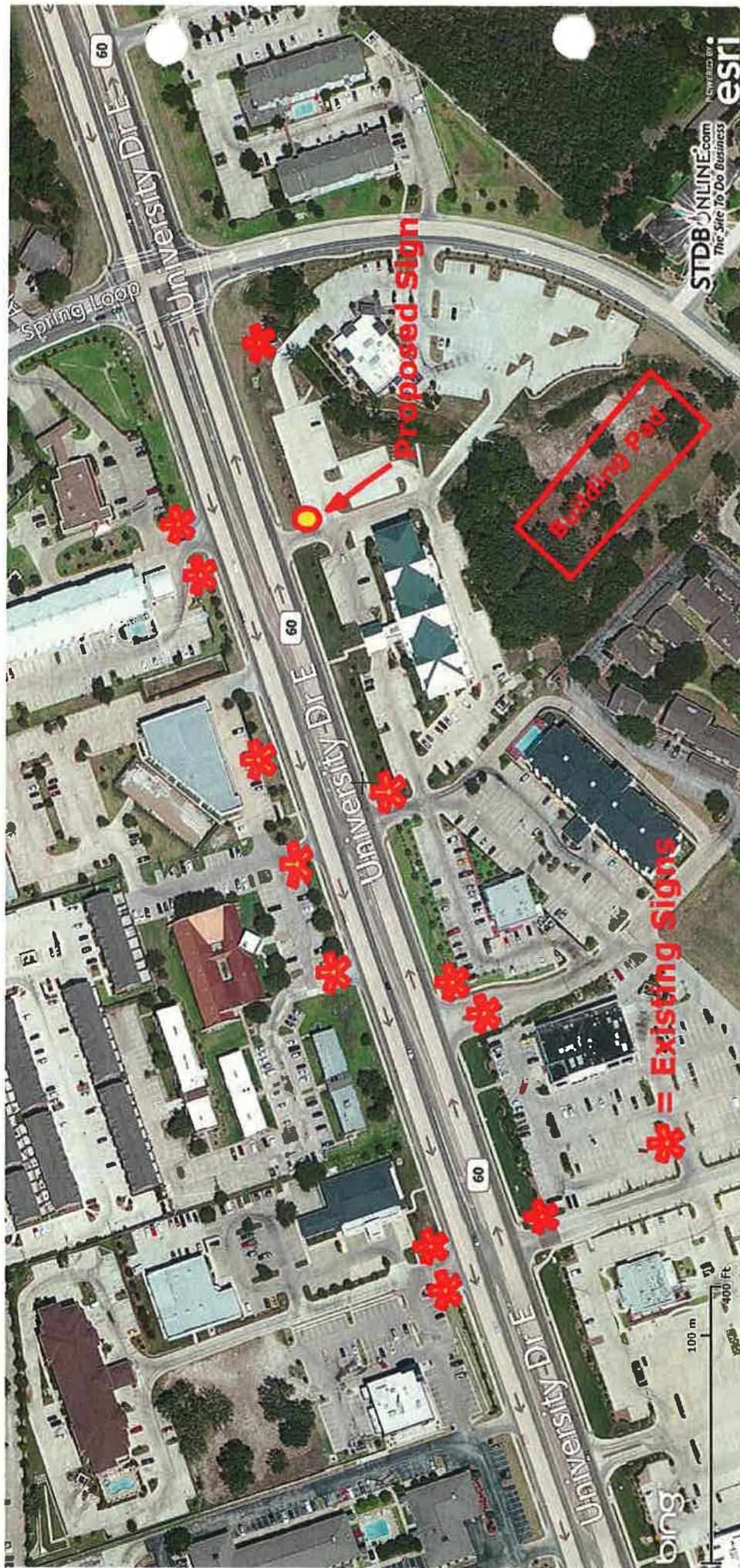
From University Drive looking toward the Building Pad





Typical Monument Sign Sought

Exhibit "C"





**VARIANCE REQUEST
FOR
12850 Old Wellborn Road #300**

REQUEST: A variance of 20 feet to the 70 foot freestanding sign setback.

LOCATION: 12850 Old Wellborn Road #300

APPLICANT: Chris Pletcher, Wakefield Signs

PROPERTY OWNER: Chuck Moreau, Moreau Family Investments Ltd.

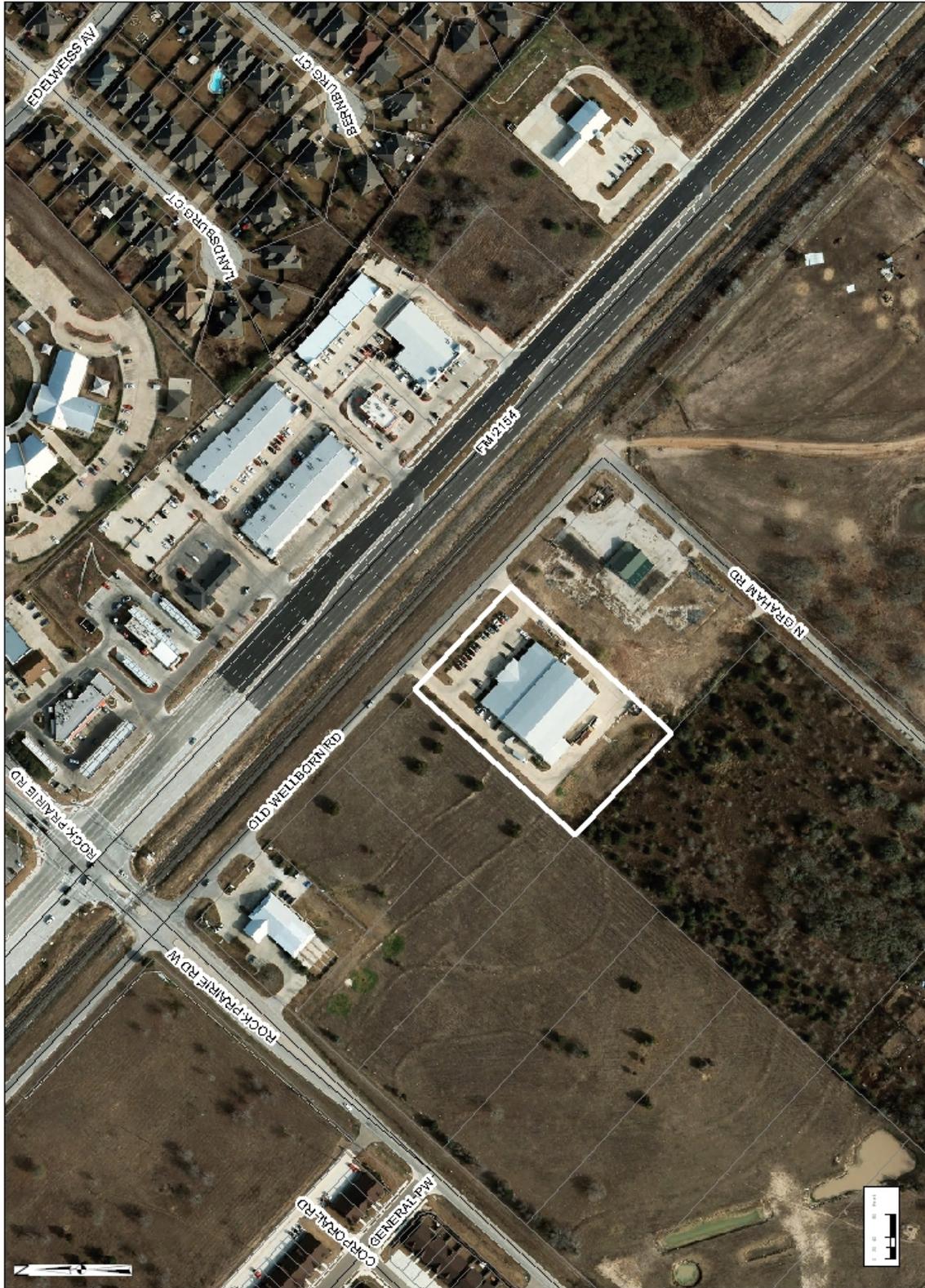
PROJECT MANAGER: Morgan Hester, Staff Planner
mhester@cstx.gov

RECOMMENDATION: Staff recommends denial.

BACKGROUND: The subject property is located off of Old Wellborn Road. The applicant has stated that due to the site's location being 150' setback from Wellborn Road due to a railroad easement, visibility of their site is difficult. Additionally, a future plan to construct a driveway connecting to the adjacent property prevents them from putting the freestanding sign in place that complies with the 70' freestanding sign setback. **Therefore, the applicant is requesting a variance of 20 feet to the 70 feet freestanding sign setback.**

APPLICABLE ORDINANCE SECTION: UDO Section 7.5.N 'Freestanding Commercial Signs'

ORDINANCE INTENT: The purpose of UDO Section 7.5, 'Signs', is to establish clear and unambiguous regulations pertaining to signs in the City of College Station and to promote an attractive community, foster traffic safety, and enhance the effective communication and exchange of ideas and commercial information. Signs are recognized as being necessary for visual communication for public convenience. Furthermore, it is recognized that businesses and other activities have the right to identify themselves by using signs that are incidental to the use on the premises where the signs are located. The UDO seeks to provide a reasonable balance between the right of a person to identify his or her business or activity and the rights of the public to be protected against visual discord and safety hazards that result from the unrestricted proliferation, location, and construction of signs.

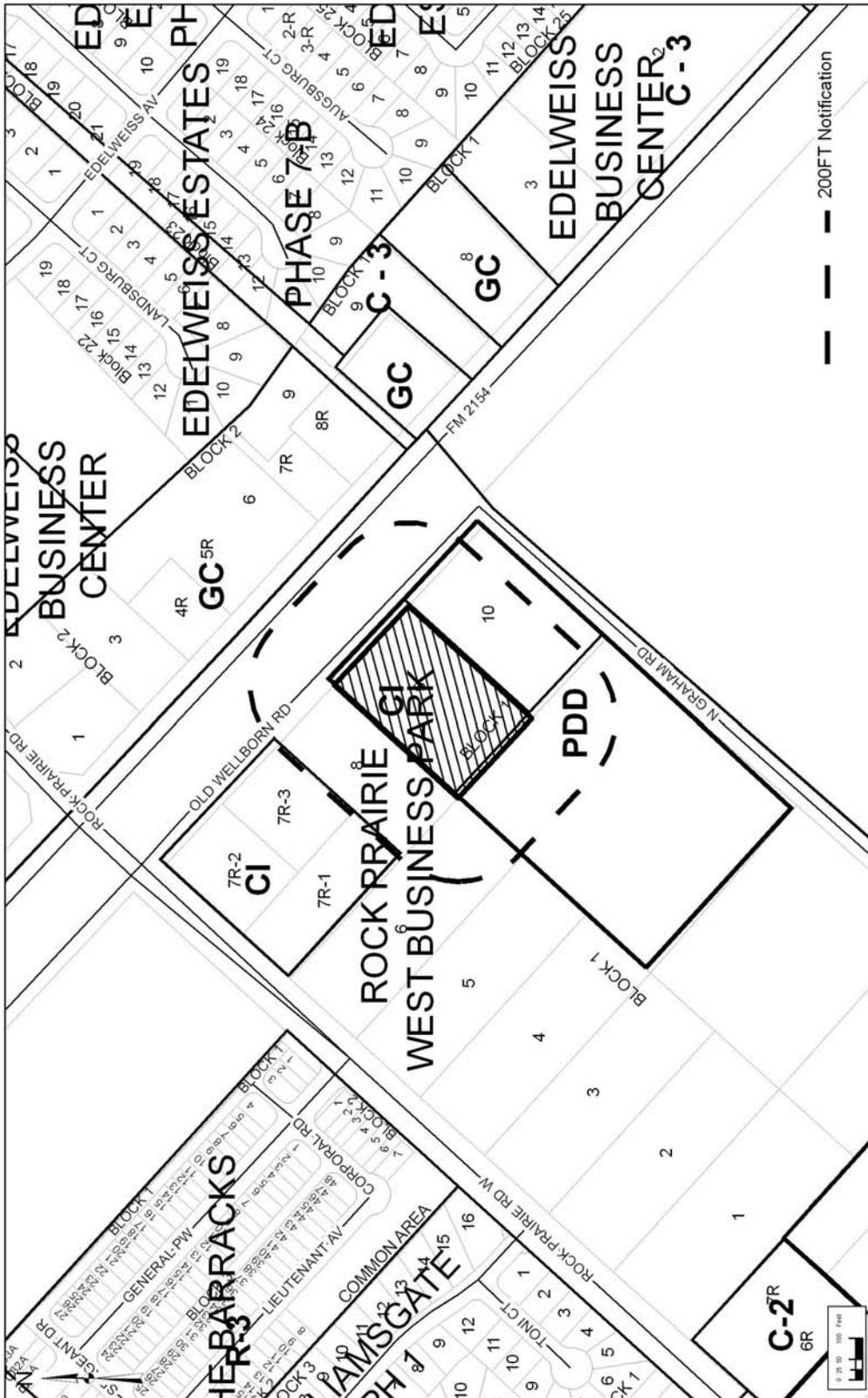


Case: 12-210 ZBA

12850 OLD WELLBORN ROAD

DEVELOPMENT REVIEW





Zoning Districts

A-O	Agricultural Open	C-3	Light Commercial	WPC	Wolf Pen Creek Dev. Corridor
A-OR	Rural Residential Subdivision	M-1	Light Industrial	NG-1	Core Northgate
R-1	Single Family Residential	M-2	Heavy Industrial	NG-2	Transitional Northgate
R-1B	Single Family Residential	C-U	College and University	NG-3	Residential Northgate
R-2	Duplex Residential	R & D	Research and Development	OV	Corridor Overlay
		P-MUD	Planned Mixed-Use Development	RDD	Redevelopment District
		PDD	Planned Development District	KO	Krenek Tap Overlay
R-3	Townhouse				
R-4	Multi-Family				
R-6	High Density Multi-Family				
R-7	Manufactured Home Park				
O	Office				
GC	General Commercial				
CI	Commercial-Industrial				

DEVELOPMENT REVIEW

12850 OLD WELLBORN ROAD

Case: 12-210

ZBA

NOTIFICATIONS

Advertised Board Hearing Date: December 4, 2012

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:

N/A

Property owner notices mailed: Four.
Contacts in support: None as of date of Staff Report.
Contacts in opposition: None as of date of Staff Report.
Inquiry contacts: None as of date of Staff Report.

ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	CI Commercial Industrial	Retail – Brazos Valley Floor and Design
North	A-O Agricultural Open	Undeveloped
South	PDD Planned Development District	Retail – Granite Storage and Sales
East (Across Wellborn Road)	GC General Commercial	Across Wellborn Road is a retail center which includes fast food and offices.
West	PDD Planned Development District, A-O Agricultural Open	Undeveloped

PHYSICAL CHARACTERISTICS

1. **Frontage:** The subject property has approximately 260 feet of frontage on Old Wellborn Road.
2. **Access:** The subject property is accessed by Old Wellborn Road.
3. **Topography and vegetation:** The site is relatively flat and has little to no vegetation.
4. **Floodplain:** The subject property is not located within FEMA regulated flood plain.

REVIEW CRITERIA

1. **Extraordinary conditions:** *That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of the UDO will deprive the applicant of the reasonable use of his land.*

The applicant has stated that because they are located on a smaller road and have a 150 foot railroad easement between their building on Old Wellborn Road and Wellborn Road (FM 2154), passerby traffic is not able to see their business.

2. **Enjoyment of a substantial property right:** *That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.*

This variance is not necessary for the preservation and enjoyment of the property as the applicant has the right to install a sign in other locations on their property without seeking a variance.

3. **Substantial detriment:** *That granting of the variance will not have the effect of preventing the orderly subdivision of land in the area in accordance with the provisions of this UDO.*

The granting of this variance would be contrary to the provisions of this UDO.

4. **Subdivision:** *That the granting of the variance will not have the effect of preventing the orderly subdivision of land in the area in accordance with the provisions of this UDO.*

The granting of this variance would not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this UDO.

5. **Flood hazard protection:** *That the granting of the variance will not have the effect of preventing flood hazard protection in accordance with Article 8, Subdivision Design and Improvements.*

The granting of this variance will not have the effect of preventing flood hazard protection in accordance with Article 8, Subdivision Design and Improvements because no portion of this property is located within the floodplain.

6. **Other property:** *That these conditions do not generally apply to other property in the vicinity.*

All businesses along Wellborn Road are required to abide by the same standards outlined in UDO Section 7.5.N 'Freestanding Commercial Signs'.

7. **Hardships:** *That the hardship is not the result of the applicant's own action.*

The location of the proposed driveway is based on the applicant's own plan for the future and is not based on any restrictions on the site or from this UDO.

8. **Comprehensive Plan:** *That the granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this UDO.*

The granting of this variance does not substantially conflict with the Comprehensive Plan but does conflict with the provisions of this UDO in that it does not protect the public's right to be protected against visible discord and safety hazards that result from the unrestricted proliferation, location, and construction of signs.

9. **Utilization:** *That because of these conditions, the application of the UDO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.*

The application of this UDO standards to this particular piece of property does not prohibit or unreasonably restrict the applicant in the utilization of their property.

ALTERNATIVES

The applicant has suggested allowing a larger freestanding sign to be allowed further back on the property; however, the maximum height for a freestanding sign is with square footage being based on the site's linear frontage. Staff believes that alternatives to the location of the sign could be based on moving the proposed driveway or putting the sign closer to the building in the grass area adjacent to the parking lot.

STAFF RECOMMENDATION

Staff recommends denial of the variance request.

SUPPORTING MATERIALS

1. Application



FOR OFFICE USE ONLY
CASE NO.: 12-210
DATE SUBMITTED: 10.1.12
TIME: 1:48
STAFF: PK

ZONING BOARD OF ADJUSTMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:

- \$350 Zoning Board of Adjustment Application Fee.
- 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 _____

ADDRESS 12850 Old Wellborn Rd. # 300

LEGAL DESCRIPTION (Lot, Block, Subdivision) Lot 9 Block 1 Rock Prairie West Business Park Phase I

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

Name Chris Pletcher - Wakefield E-mail wakefield@signsource.tx.com

Street Address 10187 St. Hwy 30

City College Station State TX Zip Code 77845

Phone Number 776-5800 Fax Number 776-5882

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

Moreau Family Investments Ltd.
Name Chuck Moreau E-mail chuck@bucarpetoutlet.com

Street Address 12850 Old Wellborn Rd.

City College Station State TX Zip Code 77840

Phone Number 764-4084 Fax Number _____

Current zoning of subject property C-1

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 checked="" 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:

Article 7, Section 7.4, N. 1.d.1)

GENERAL VARIANCE REQUEST

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

Permission to install 35' pole sign with 50' setback instead of 70' setback.

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.

Client has the unique situation of being located on a small "feeder" type road (old wellborn) when he needs to actually reach the main road with signage (wellborn being the main road where his customers travel). To make his situation more unique, the feeder road and main road are divided by a 120' easement

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

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. railroad track.

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.

The presence of the railroad easement actually sets his property line 180 feet off the main highway, making it difficult for customers to locate the business off of 2154. The 20' variance

4. The following alternatives to the requested variance are possible: allows the sign to be just far enough forward to be visible from wellborn in both directions.

Allowing a larger pole sign to be placed further back on the property.

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

Countless homeowners/contractors in the BV are trying to locate this business daily. Signage is very attractive, and the future development of this property will improve the city's overall attractiveness.

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.

GENERAL PARTNER

Project Manager

10/1/12

Signature and title

Date



**VARIANCE REQUEST
FOR
2541 Earl Rudder Freeway South**

REQUEST: A variance of 30 feet to the allowable low profile sign height and a 225 square foot variance to the allowable low profile sign area.

LOCATION: 2541 Earl Rudder Freeway South

APPLICANT: Reverend Father Edwin Kagoo

PROPERTY OWNER: Diocese of Austin

PROJECT MANAGER: Teresa Rogers, Staff Planner
trogers@cstx.gov

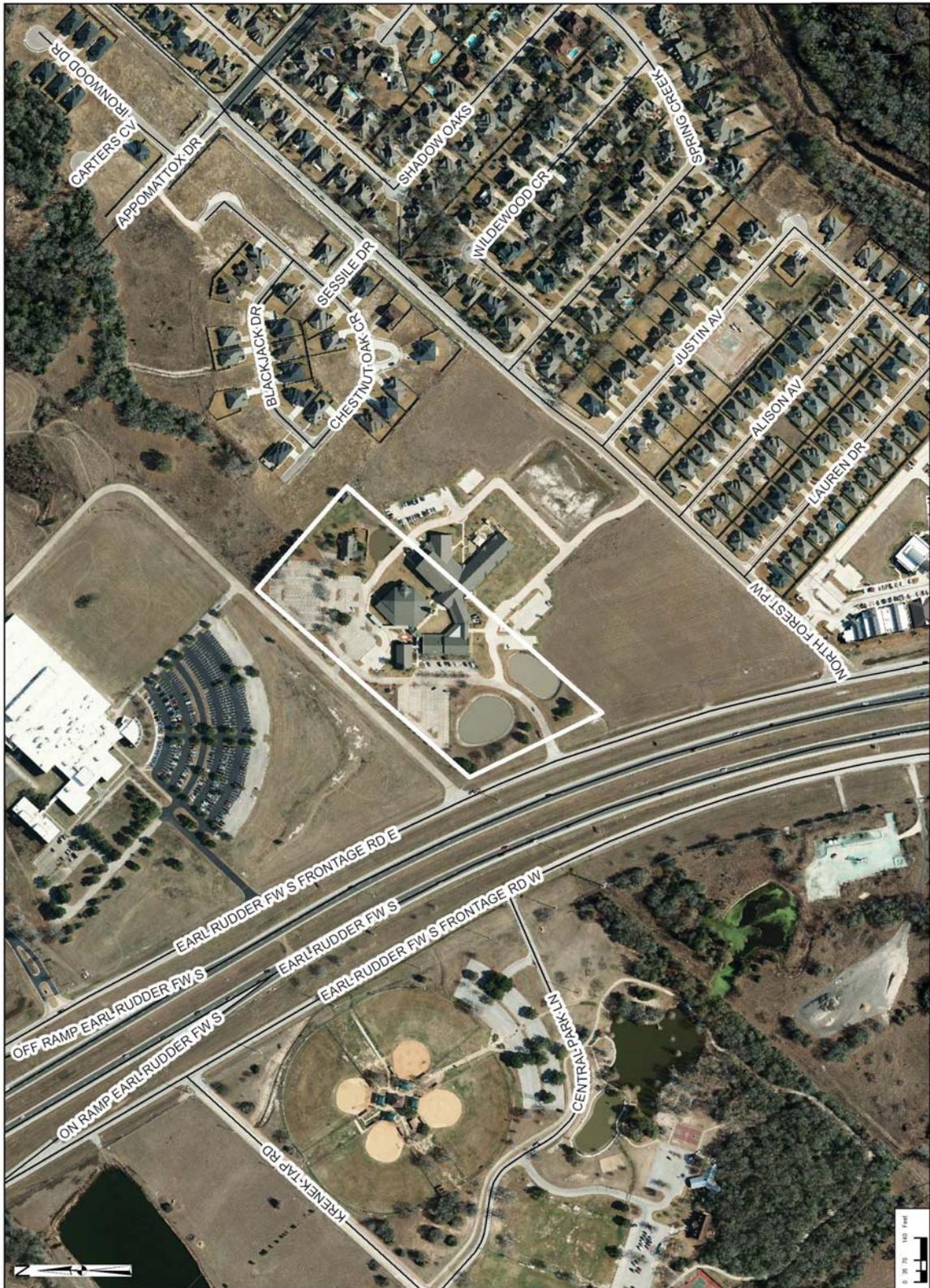
RECOMMENDATION: Staff recommends denial.

BACKGROUND: The front portion of the subject property is zoned R-1 (Single-Family Residential) and the rear portion is zoned A-O (Agricultural Open). The site is currently developed as the St. Thomas Aquinas church. The Unified Development Ordinance (UDO) allows a place of worship in any zoning district. However, when non-residential uses are located in residential zoning districts, stricter sign regulations apply. Given the residential zoning on the subject property, the UDO allows a low profile sign. Low profile signs are limited to four feet in height and 60 square feet in area. The applicant is requesting a freestanding sign 34 feet in height and 285 square feet in area. **Therefore, the applicant is requesting a variance to the UDO Section 7.4.X, Signs for Permitted Non-residential Uses in Residential or Agricultural Districts to allow a 30 foot variance to the maximum sign height and a 225 square foot variance to the maximum sign area.**

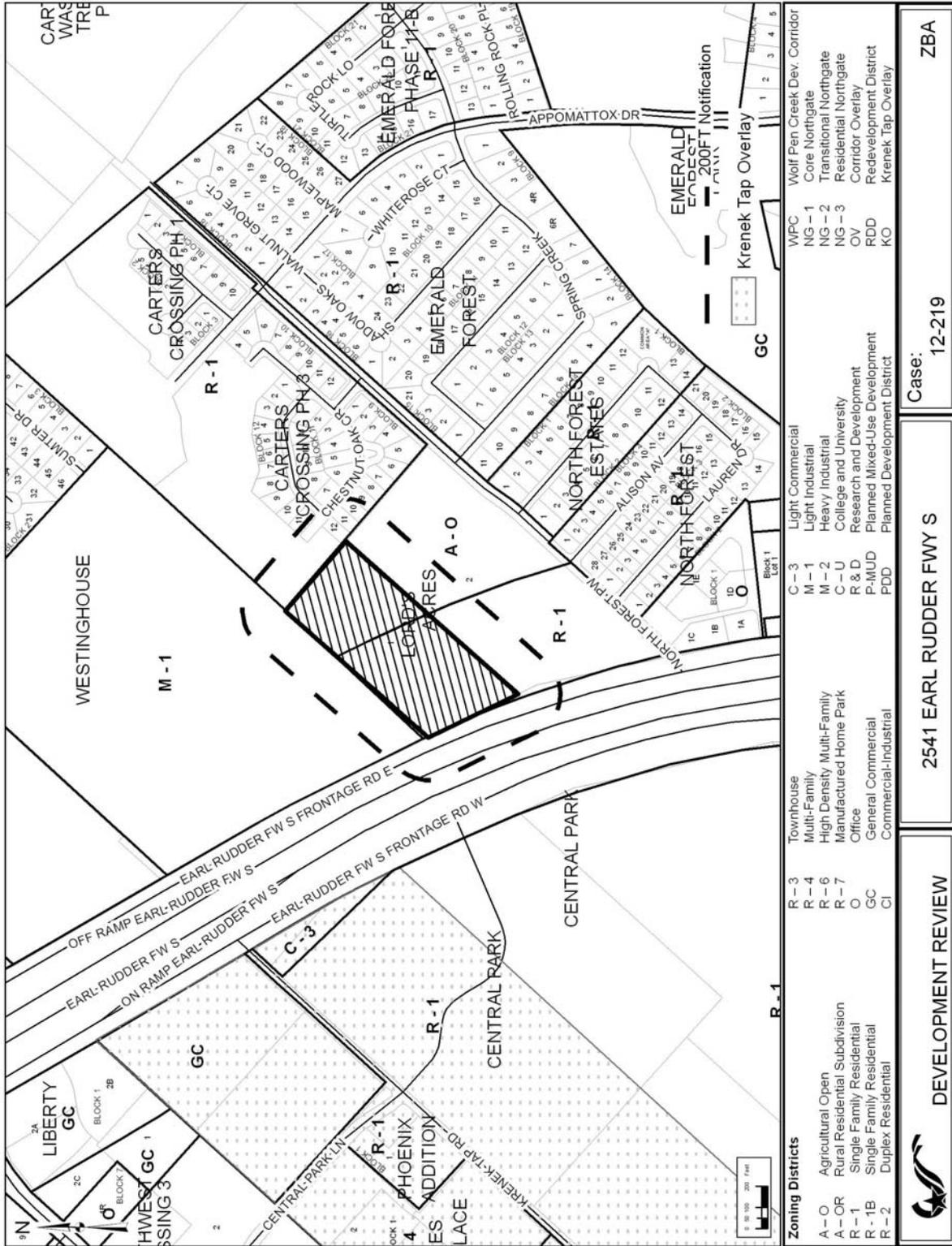
APPLICABLE ORDINANCE SECTION: Section 7.5.X, Signs for Permitted Non-residential Uses in Residential or Agricultural Districts and also Section 7.5.F Sign Standards

ORDINANCE INTENT: The purpose of the City's sign regulations is to establish clear and unambiguous regulations pertaining to signs in the City of College Station and to promote an attractive community, foster traffic safety, and enhance the effective communication and exchange of ideas and commercial information. The UDO seeks to provide a reasonable balance between the right of a person to identify his or her business or activity and the rights of

the public to be protected against visual discord and safety hazards that result from the unrestricted proliferation, location, and construction of signs.



	DEVELOPMENT REVIEW	2541 EARL RUDDER FWY S	Case: 12-219	ZBA
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NOTIFICATIONS

Advertised Board Hearing Date: December 4, 2012

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:

N/A

Property owner notices mailed: Ten.
Contacts in support: None as of date of Staff Report.
Contacts in opposition: None as of date of Staff Report.
Inquiry contacts: None as of date of Staff Report.

ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	R-1 Single-Family Residential and A-O Agricultural Open	Place of Worship
North	M-1 Light Industrial	Light Industrial and Scientific Testing
South	R-1 Single-Family Residential	Single-family residential
East	R-1 Single-Family Residential	Single-family residential
West	R-1 Single-Family Residential	Across Earl Rudder Freeway South (SH 6) is undeveloped.

PHYSICAL CHARACTERISTICS

- Frontage:** Approximately 471feet of frontage on Earl Rudder Freeway South (SH 6).
- Access:** Access to the subject property is from the frontage road of Earl Rudder Freeway South (SH 6) and North Forest Parkway.
- Topography and vegetation:** The site is relatively flat and has little to no vegetation.
- Floodplain:** The subject property is not located within FEMA regulated flood plain.

REVIEW CRITERIA

- Extraordinary conditions:** *That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of the UDO will deprive the applicant of the reasonable use of his land.*

The applicant has stated that current R-1 (Single-Family) zoning on the property doesn't allow for a freestanding sign of required height and size for adequate visibility given the church's location on State Highway 6. In Staff's opinion, the applicant has not provided evidence that a special condition exists on the property such that the strict applications

of the provisions of the UDO would deprive the applicant of the reasonable use of the property.

- 2. Enjoyment of a substantial property right:** *That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.*

This variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant. The current zoning allows low profile signage.

- 3. Substantial detriment:** *That the granting of the variance 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.*

The granting of this variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area. However, it is contrary to the provisions of the UDO.

- 4. Subdivision:** *That the granting of the variance will not have the effect of preventing the orderly subdivision of land in the area in accordance with the provisions of this UDO.*

The granting of this variance would not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the UDO.

- 5. Flood hazard protection:** *That the granting of the variance will not have the effect of preventing flood hazard protection in accordance with Article 8, Subdivision Design and Improvements.*

The granting of this variance will not have the effect of preventing flood hazard protection in accordance with Article 8, Subdivision Design and Improvements.

- 6. Other property:** *That these conditions do not generally apply to other property in the vicinity.*

All non-residential uses permitted in residentially-zoned districts are required to abide by the same standards outlined in Section 7.5.X. of the UDO.

- 7. Hardships:** *That the hardship is not the result of the applicant's own actions.*

It is Staff's opinion that a hardship does not exist on the subject property. The church is permitted to utilize the allotted low profile signage or pursue a non-residential zoning for the property.

- 8. Comprehensive Plan:** *That the granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this UDO.*

The granting of this variance does not substantially conflict with the Comprehensive Plan but does conflict with the provisions of the UDO in that it does not protect the public's right to be protected against visible discord and safety hazards that result from the unrestricted proliferation, location, and construction of signs.

- 9. Utilization:** *That because of these conditions, the application of the UDO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.*

The application of the UDO standards to this particular piece of property does not prohibit or unreasonably restrict the applicant in the utilization of the property. In fact, the site is currently developed and utilizes a low profile sign.

ALTERNATIVES

The applicant has not proposed any alternatives to the granting of the variance requests. However, the applicant could pursue a rezoning to a commercial zoning district in accordance with the Comprehensive Plan. In addition to allowing a free standing sign by right, a commercial zoning district would allow attached signs and directional traffic control signs for the development.

STAFF RECOMMENDATION

Staff recommends denial of the variance request. In staff's opinion the applicant has failed to demonstrate that a special condition or hardship exists in this case.

SUPPORTING MATERIALS

1. Application
2. Applicant's Exhibits



FOR OFFICE USE ONLY	
CASE NO.:	<u>12-219</u>
DATE SUBMITTED:	<u>10-10-12</u>
TIME:	<u>10:45</u>
STAFF:	<u>TJK</u>

ZONING BOARD OF ADJUSTMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:

- \$350 Zoning Board of Adjustment Application Fee.
- 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 None

ADDRESS 2541 Earl Rudder Frwy., South, College Station, TX 77845

LEGAL DESCRIPTION (Lot, Block, Subdivision) Lord's Acres Lot 2

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

Name Rev. Fr. Edwin Kagoo E-mail pastor@stabcs.org

Street Address 2541 Earl Rudder Frwy., South

City College Station State Texas Zip Code 77845

Phone Number 979-693-6994 Fax Number 979-260-4502

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

Name Diocese of Austin E-mail ron-walker@austindiocese.org

Street Address 6225 Highway 290 East

City Austin State Texas Zip Code 78723

Phone Number 512-949-2400 Fax Number _____

Current zoning of subject property R-1

Action requested (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Setback variance | <input type="checkbox"/> Appeal of Written Interpretation |
| <input type="checkbox"/> Parking variance | <input type="checkbox"/> Special Exception |
| <input checked="" 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:

7.4X Signs for Permitted Non-residential Uses in Residential or Agricultural Districts.

Revised

GENERAL VARIANCE REQUEST

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

Variance to allow a freestanding sign in a current R-1 zone area. The sign shall have a maximum sign area of 285 sf and sign height of 29 ft and overall height of 34 ft. The sign set-back distance shall be 75 ft from the street.

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.

Current R-1 zoning doesn't allow for freestanding sign of the required height and size for adequate visibility given the church is located on State Highway 6.

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.

Inadequate visibility of sign that denotes church name, address, denomination and upcoming events. Visibility hardship has an adverse effect on current parishioners, future parishioners and visitors.

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

There are no other viable sign options given current zoning.

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

Monument sign will be consistent with other churches and businesses located on State Highway 6.

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.

[Handwritten Signature]

Signature and title

11/02/12

Date