

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

**Zoning Board of Adjustment**  
**April 3, 2012**  
**6:00 PM**

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



**AGENDA**  
**ZONING BOARD OF ADJUSTMENT**  
**Regular Meeting**  
**Tuesday, April 3, 2012 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. Discussion of requested Administrative Adjustments.
  - Case 12-22 - Off-Street Parking; 108 Morgan’s Lane. **(MTH)**
  - Case 12-43 - Residential Dimensional Standards; 504 Holleman Dr. **(PAZ)**
3. Consideration of Absence Requests.
  - Hunter Goodwin – April 3, 2012
4. Consideration, discussion and possible action to approve meeting minutes.
  - December 6, 2011 meeting minutes
5. Public hearing, presentation, possible action, and discussion on a variance request to the Unified Development Ordinance, Section 7.4.I., attached signs, at 1915 Texas Avenue South. **Case # 12-00500026 (MTH)**
6. 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.
7. 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, April 3, 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](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 \_\_\_\_\_, 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](http://www.cstx.gov).

**Deborah Grace-Rosier - RE: April 3 ZBA Meeting**

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**From:** "Hunter Goodwin" <hunter@oldhamgoodwin.com>  
**To:** "'Deborah Grace-Rosier'" <DGRACE@cstx.gov>, "'Rodney Hill'" <RHill@archm...  
**Date:** 3/7/2012 9:41 AM  
**Subject:** RE: April 3 ZBA Meeting  
**CC:** "'Adam Falco'" <Afalco@cstx.gov>, "'Jordan Wood'" <Jwood@cstx.gov>, "'La...

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I will NOT be available on this date.

Hunter

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**From:** Deborah Grace-Rosier [mailto:DGRACE@cstx.gov]  
**Sent:** Wednesday, March 07, 2012 9:39 AM  
**To:** Rodney Hill; Joshua Benn; Richard Dabney; Jim Davis; Hunter Goodwin; Marsha Sanford; Dick Birdwell; Melissa Cunningham  
**Cc:** Adam Falco; Jordan Wood; Lance Simms; Morgan Hester  
**Subject:** April 3 ZBA Meeting

We will have a meeting April 3. Please let me know if you can attend.

Alternates please respond as well.

Thanks so much~

~~~~~  
*Deborah Grace-Rosier*

Staff Assistant  
City of College Station  
Planning & Development Services  
1101 Texas Avenue  
College Station, Texas 77840  
979-764-3570 Main  
979-764-3784 Desk  
979-764-3496 Fax  
[dgrace@cstx.gov](mailto:dgrace@cstx.gov)  
[www.cstx.gov](http://www.cstx.gov)

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CITY OF COLLEGE STATION  
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**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**Regular Meeting**  
**December 6, 2011**  
**Council Chambers**  
**1101 Texas Avenue**  
**6:00 P.M.**

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

**STAFF PRESENT:** Staff Assistant Deborah Grace-Rosier, Assistant Director Lance Simms, Senior Planner Matt Robinson, Staff Planner Morgan Hester, and 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 6:00 p.m.

**AGENDA ITEM NO. 2: Discussion of requested Administrative Adjustments.**

- 11-115 (AA – Off-Street Parking) Campus Village Ph. 1B; 1711 Harvey Mitchell Pkwy. (JS)
- 11-123 (AA – Off-street Parking) Plazas at Rock Prairie; 3975 SH 6 S. (MTH)
- 11-141 (AA – Side Setback) Summit Crossing Ph. 1; 3814 Blackhawk (Paz)

There were no questions for staff.

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

- July 19, 2011 meeting minutes.

Mr. Benn motioned to approve the minutes. Mr. Goodwin seconded the motion. Mr. Dabney abstained from voting. The motion passed (4-0-1)

**AGENDA ITEM NO. 4: Public hearing, presentation, possible action, and discussion on a request for variances to the Unified Development Ordinance, Section 5.2 Residential Dimensional Standards regarding minimum rear and front setback requirements for 806 & 808 Nimitz Street. Case# 11-00500159 (MR)**

Senior Planner Matt Robinson presented the staff report and stated that the applicant is requesting the reduction of the front and rear setbacks due to the properties being created prior to the City enforcing dimensional standards for residential lots. Mr. Robinson ended by saying that staff recommends approval of the variance requests due to the location of Nimitz Street and the pattern of property development of the neighborhood, and a special condition does exist such that the strict application of the provisions of the UDO would deprive the applicant reasonable use of his land.

**Mr. Benn motioned to approve the requested variances of: ten feet to the front setback and 12 feet six inches to the rear setback, due to the special condition of the location of the street and pattern of property development and the hardship of deprivation of reasonable use of the applicant's land. Mr. Goodwin seconded the motion which passed (4-1). Chairman Hill voting for denial of granting the variance.**

**AGENDA ITEM NO. 5: Consideration and possible action on future agenda items – A Zoning Board of Adjustment 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 discussed.

**AGENDA ITEM NO. 6: Adjourn.**

The meeting was adjourned at 6:09 p.m.

**APPROVED:**

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

**ATTEST:**

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



**SIGN VARIANCE REQUEST  
FOR  
1915 Texas Avenue South**

**REQUEST:** The applicant is requesting a variance to UDO Section 7.4.1.3 to allow a tenant (Twin Liquors) to provide additional signage on any building within the same shopping center.

**LOCATION:** 1915 Texas Avenue South

**APPLICANT:** Ron Thrower

**PROPERTY OWNER:** Principle Equity Properties

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

**RECOMMENDATION:** Denial

**BACKGROUND:** In November 2011, a sign permit application for attached signage was submitted for Twin Liquors located at 1915 Texas Avenue South, within the Wolf Pen Plaza shopping center. The sign permit application indicated that the area of the attached signage was 176 square feet (the maximum allowed area for attached signage at this location is 176.5 square feet). The sign permit was approved and the sign was installed. In December 2011, a second sign permit application for Twin Liquors was submitted. This application proposed 40.63 square feet of additional attached signage on an adjacent building within the Wolf Pen Plaza shopping center. This permit application was denied by Staff because it was not in compliance with the provisions contained in Section 7.4, Signs, of the Unified Development Ordinance (UDO). The applicant, Sign Pro, was contacted and informed of the denial, at which time Staff was informed by Sign Pro that the sign had been installed. Staff informed the contractor with Sign Pro that the sign would need to be removed. David Walker, sign contractor for Twin Liquors, later contacted Staff and stated that the business owner would handle the issue. In January 2012, Staff made contact with Joe Reynolds, Twin Liquors' Regional Manager, to follow-up on the status of the sign installed without the benefit of a permit. At that time, Staff informed Mr. Reynolds that the sign would need to be removed or a Zoning Board of Adjustment (ZBA) variance application would need to be submitted. Staff also sent a certified letter to Sign Pro giving them the option of removing the sign or applying for a variance through

the ZBA. The letter also established a deadline of February 13, 2012. Staff did not receive a response from Sign Pro, therefore, a copy of said letter was also sent to Mr. Reynolds on February 8, 2012. A sign variance application was received from Mr. Ron Thrower on February 13, 2012.

**APPLICABLE ORDINANCE SECTION(S):** The applicant cites Section 7.4.1.3 of the UDO, which states, "The division of allowable building signage amongst building tenants shall be the sole responsibility of the owner or property manager, and not the City of College Station."

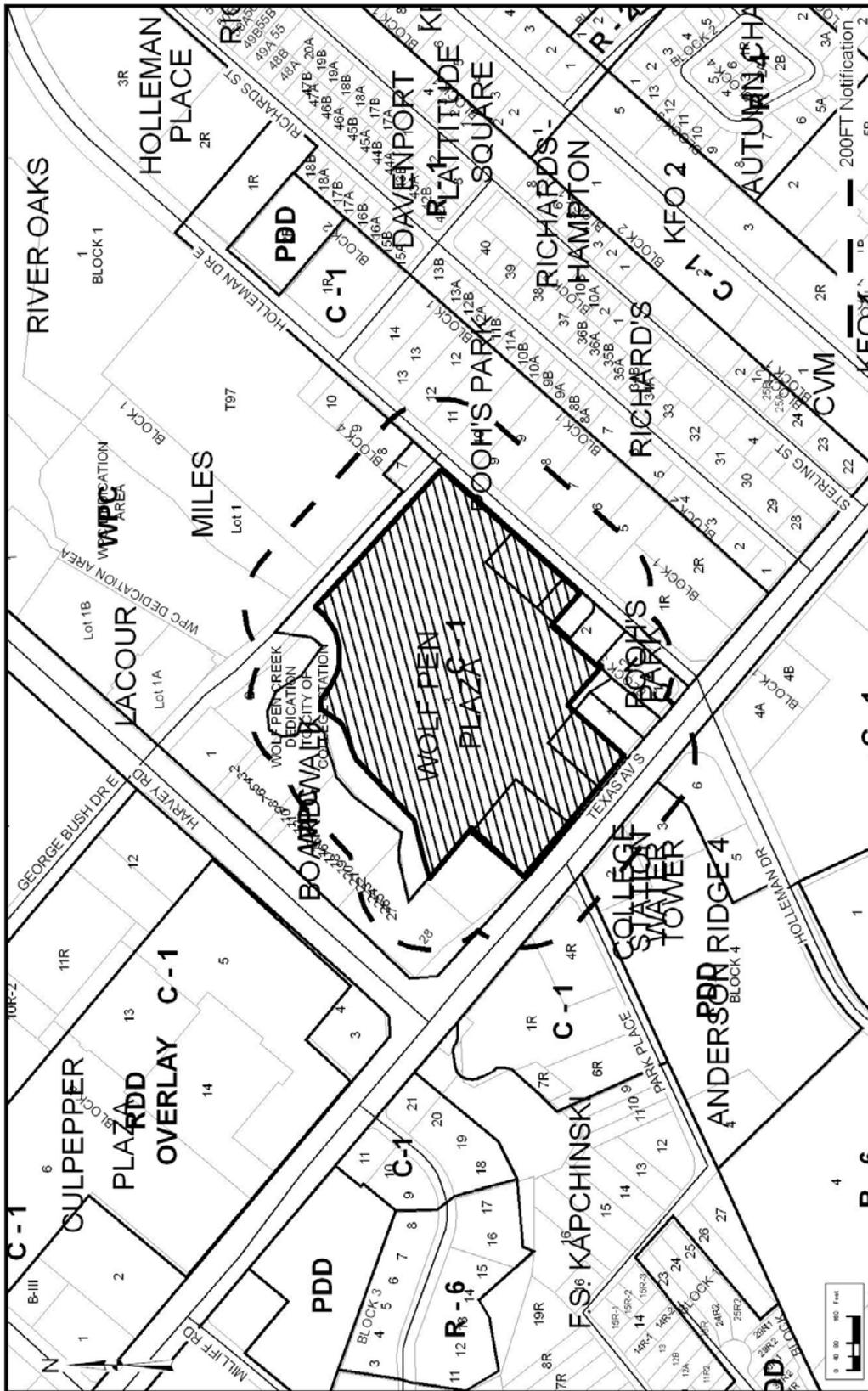
However, staff believes the following UDO sections are applicable in this case:

- Section 7.4.1.2 states, "Attached signs on any commercial building or tenant lease space shall not exceed a total of two and one-half (2.5) square feet per linear foot of all public entry facades." Based on their linear footage, Twin Liquors is allowed 176.5 square feet of attached signage, which has been fully utilized on the front façade of their business; however, they have installed an additional 40.63 square foot sign on an adjacent building.
- Section 7.4.1.6.a states, "An attached sign shall advertise only the name of, uses of, or goods or services available within the building or tenant lease space to which the sign is attached". In this situation, Twin Liquors is located in the tenant space most adjacent to Holleman Drive East; however, an additional sign has been placed on the adjacent building within the Wolf Pen Plaza shopping center in a location near Texas Avenue South.

**ORDINANCE INTENT:** The purpose of Section 7.4, 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.



|                                                                                       |                           |
|---------------------------------------------------------------------------------------|---------------------------|
|  | <b>DEVELOPMENT REVIEW</b> |
| 1915 TEXAS AVE S.                                                                     |                           |
| Case: 12-026                                                                          | ZBA                       |



| 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              | Townhouse                     |
| 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**

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1915 TEXAS AVE

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Case: 12-026

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ZBA

## NOTIFICATIONS

Advertised Board Hearing Date: April 3, 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: 23  
Contacts in support: None at the time of writing the staff report.  
Contacts in opposition: None at the time of writing the staff report.  
Inquiry contacts: Two general inquiries regarding the purpose of the variance request.

## ZONING AND LAND USES

| Direction               | Zoning                        | Land Use                 |
|-------------------------|-------------------------------|--------------------------|
| <b>Subject Property</b> | C-1 General Commercial        | General Commercial       |
| <b>North</b>            | Wolf Pen Development Corridor | Natural Areas - Reserved |
| <b>South</b>            | C-1 Commercial                | General Commercial       |
| <b>East</b>             | Wolf Pen Development Corridor | Urban Mixed Use          |
| <b>West</b>             | C-1 General Commercial        | General Commercial       |

## PHYSICAL CHARACTERISTICS

- Frontage:** The subject property has frontage on Texas Avenue South, Holleman Drive East, and George Bush Drive East.
- Access:** The subject property can be accessed by Texas Avenue South, Holleman Drive East, and George Bush Drive East via five commercial driveways.
- Topography and vegetation:** The site consists primarily of impervious surfaces with a 10-foot slope running southwest across the property.
- Floodplain:** N/A

## REVIEW CRITERIA

- Extraordinary conditions:** The applicant states, "The allowable sign area for the tenant space does not account for the extreme distance from an arterial roadway or for the limited view windows to allow for the traveling public to notice signs." However, it is Staff's opinion that the attached signage for Twin Liquors' tenant space is clearly visible from Holleman Drive East and Texas Avenue South. Not only has the applicant utilized the allowed 176.5 square feet of attached signage, they also have space on the free-standing sign on Texas Avenue South. The applicant did not provide evidence that a special condition exists on the property such that the strict application of the provisions of the Unified Development Ordinance would deprive the applicant of the reasonable use of the property.

2. **Enjoyment of a substantial property right:** This variance is not necessary for the preservation and enjoyment of a substantial property right. The subject property is allowed, and currently utilizes, attached signage and free standing signage visible from both Texas Avenue South and Holleman Drive East.
3. **Substantial detriment:** The granting of this variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area or to the City administering the UDO.
4. **Subdivision:** 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:** 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:** All businesses are required to abide by the same standards outlined in Section 7.4 "Signs" of the UDO.
7. **Hardships:** The applicant states, "The ability of the traveling public to see a sign at extreme distance is hampered by 1) The limited view windows created by existing buildings and landscaping, and 2) The speed of vehicles on the arterial roadway." However, it is staff's opinion that a hardship does not exist in this case. The business is permitted to utilize the sign area and locations provided in Section 7.4, Signs, of the UDO. This includes an allowance for attached signage and free-standing signage.
8. **Comprehensive Plan:** 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:** 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.

## **ALTERNATIVES**

The applicant has not proposed any alternatives to the granting of the requested variance.

## **STAFF RECOMMENDATION**

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

## **SUPPORTING MATERIALS**

1. Application



FOR OFFICE USE ONLY  
CASE NO.: 12-50026  
DATE SUBMITTED: 2-13-12  
TIME: 2:50  
STAFF: PK

## ZONING BOARD OF ADJUSTMENT APPLICATION

**MINIMUM SUBMITTAL REQUIREMENTS:**

<sup>PK</sup> \$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 1915 Texas Avenue

LEGAL DESCRIPTION (Lot, Block, Subdivision) See attached

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

Name Ron Thrower E-mail ront@throwerdesign.com

Street Address P. O. Box 41957

City Austin State Texas Zip Code 78704

Phone Number 512/476-4456 Fax Number \_\_\_\_\_

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

Name Principle Equity Properties E-mail mackermann@tigusa.com

Street Address 901 S. Mopac, Bldg 4 #285

City Austin State TX Zip Code 78746

Phone Number (512) 901-0185 Fax Number (512) 732-0409

Current zoning of subject property C-1, 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:**

UDC Section 7.4.1.3 - Attached Signs

GENERAL VARIANCE REQUEST

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

To allow for the division of building sign areas to be based on all allowable building sign areas of all buildings located on the site and to allow for building signage to be located on any building on a site.

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.

The allowable sign area for a tenant space does not account for the extreme distance from an arterial roadway or for the limited view windows to allow for the traveling public to notice signs.

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.

The ability of the traveling public to see a sign at extreme distance is hampered by 1) The limited view windows created by existing buildings and landscaping, and, 2) The speed of vehicles on the arterial roadway.

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

None are identified.

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

No additional sign area is requested based on the allowable sign area per building footage.

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.

Michelle Aiken  
Signature and title Senior Property Manager

2/13/12  
Date