

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

# **Zoning Board of Adjustment**

**December 3, 2013**

**Regular Meeting 6:00 PM**



**AGENDA**  
**ZONING BOARD OF ADJUSTMENT**  
**Regular Meeting**  
**Tuesday, December 3, 2013 at 6:00 PM**  
**City Hall Council Chambers**  
**1101 Texas Avenue**  
**College Station, Texas 77840**

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Call to order – Explanation of functions of the Board.

1. Consideration, possible action and discussion and possible action to approve meeting minutes.
  - September 3, 2013 meeting minutes.
3. Public hearing, presentation, possible action, and discussion to consider a variance to allow an additional freestanding sign for the property located at 2704 Texas Avenue South, located at the intersection of Harvey Mitchell Parkway South and Texas Avenue South.
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 Regular Meeting of the Zoning Board of Adjustment of College Station, Texas will be held on Tuesday, December 3, 2013 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 \_\_\_\_\_, 2013 at \_\_\_\_ p.m.

**CITY OF COLLEGE STATION, TEXAS**

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

By \_\_\_\_\_  
Kelly Templin, 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 \_\_\_\_\_, 2013.

CITY OF COLLEGE STATION, TEXAS

By \_\_\_\_\_

Subscribed and sworn to before me on this the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
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).



**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**Regular Meeting**  
**September 3, 2013**  
**City Hall ~ Council Chambers**  
**1101 Texas Avenue**  
**6:00 P.M.**

**MEMBERS PRESENT:** Chairman Hunter Goodwin, Jim Davis, Marsha Sanford, Dick Dabney, Alternate Scott Simpson

**MEMBERS ABSENT:** Josh Benn

**STAFF PRESENT:** Staff Assistant Deborah Grace-Rosier, Senior Planner Matt Robinson, Assistant Director Lance Simms, Senior Assistant City Attorney John Haislet, Action Center Representative Timothy Green, and April Howard

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

Chairman Goodwin called the meeting to order at 6:10 p.m.

**AGENDA ITEM NO. 2:** **Consideration, discussion and possible action to approve meeting minutes.**

- **March 5, 2013 meeting minutes**

Board Member Dabney motioned to approve the March 5, 2013 meeting minutes. Board Member Sanford seconded the motion, which passed (5-0).

**AGENDA ITEM NO. 3:** **Public hearing, presentation, discussion, and possible action to consider a variance to Chapter 12, “Unified Development Ordinance”, Section 7.3.I., “Number of Off-Street Parking Spaces Required” for the property located 1814 Sara Drive which is zoned R-4 Multi-Family. Case # 90013-166.**

Senior Planner Robinson presented the staff report and stated that the applicant is requesting a variance to the number of required off-street parking spaces. He concluded his report by saying staff was recommending denial.

There was general discussion amongst the Board.

Chairman Goodwin opened the public hearing.

Stepping forward to speak in favor of the variance:

John Rhodes, the applicant, was sworn in by Chairman Goodwin.

There was general discussion amongst the Board.

Chairman Goodwin closed the public hearing.

**Board Member Simpson motioned to deny the variance. Board Member Dabney seconded the motion.**

The Board continued general discussions.

**Chairman Goodwin called for the vote. Motion to deny passed (3-2).**

**AGENDA ITEM NO. 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.**

There was no item submitted.

**AGENDA ITEM NO. 5: Adjourn.**

**The meeting was adjourned at 7:50 p.m.**

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**Hunter Goodwin, Chairman**



**VARIANCE REQUEST  
FOR  
2704 Texas Avenue South**

- REQUEST:** A variance to allow an additional freestanding sign.
- LOCATION:** 2704 Texas Avenue South, located at the intersection of Harvey Mitchell Parkway South and Texas Avenue South
- APPLICANT:** Vista College, Judy Stout
- PROPERTY OWNER:** CS Plaza Ltd., David Cottrell
- PROJECT MANAGER:** Jenifer Paz, Staff Planner  
jpaz@cstx.gov
- RECOMMENDATION:** Staff is recommending approval with conditions.

**BACKGROUND:** The subject property is located off the frontage road on the corner of Texas Avenue South and Harvey Mitchell Parkway South. The applicant has stated that an additional freestanding sign is necessary to allow potential users to identify their location from Texas Avenue South. The existing freestanding sign is located approximately 570' from Texas Avenue South, due to the large amount of TXDOT right-of-way adjacent to the subject property. Therefore, the applicant is requesting an additional freestanding sign that would meet all applicable requirements of the Unified Development Ordinance (UDO).

**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.



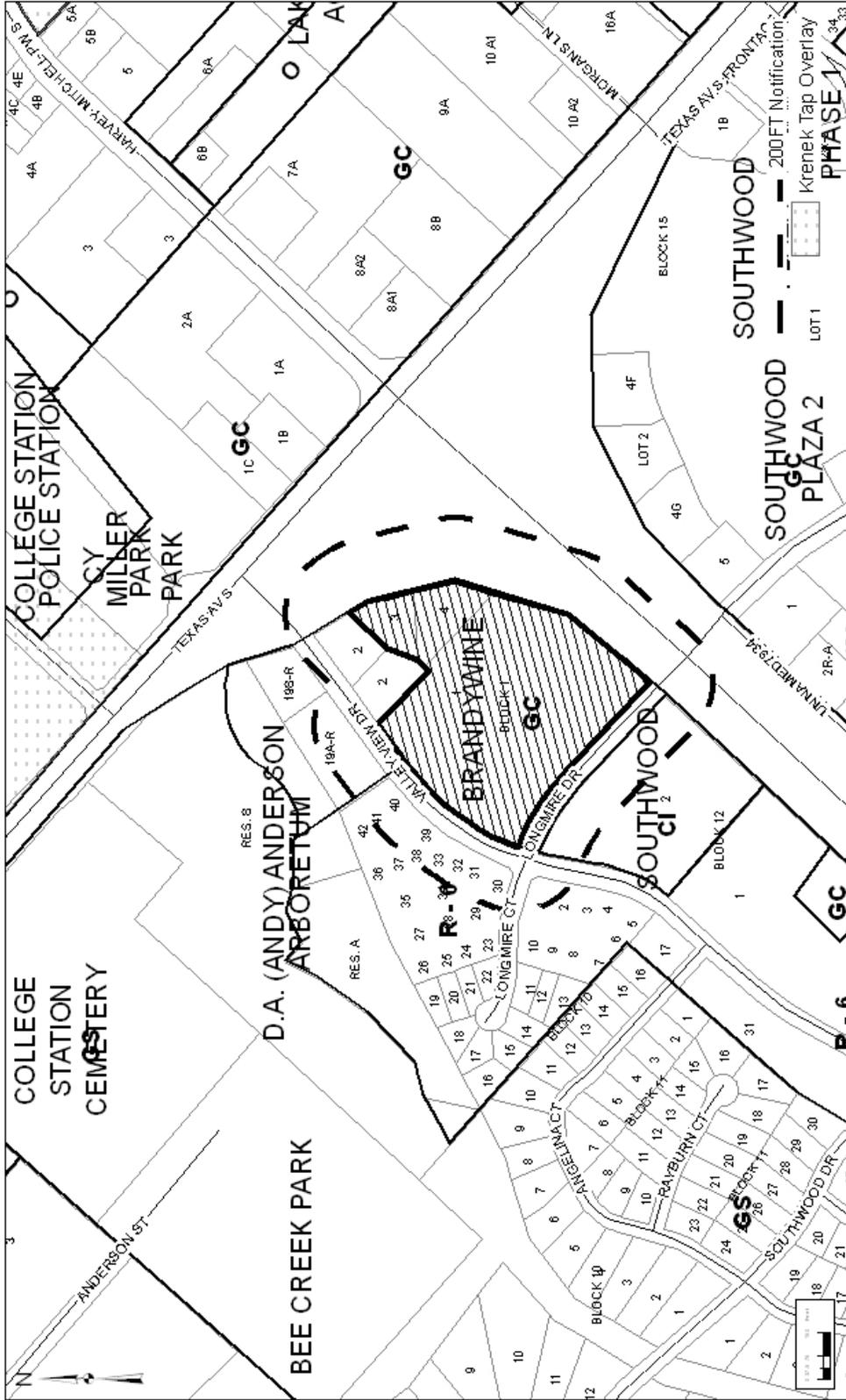
ZBA

Case: 13-235

2704 TEXAS AVE S

DEVELOPMENT REVIEW





<b>Zoning Districts</b>	R - 4 R - 6 MHP O SC GC CI BP	Multi-Family High Density Multi-Family Office Suburban Commercial General Commercial Commercial-Industrial Business Park	BPI NAP C - 3 M - 1 M - 2 C - U R & D P-MUD	Business Park Industrial Natural Areas Protected Light Commercial Light Industrial Heavy Industrial College and University Research and Development Planned Mixed-Use Development	PDD WPC NG - 1 NG - 2 NG - 3 OV RDD KO	Planned Development District Wolf Pen Creek Dev. Corridor Core Northgate Transitional Northgate Residential Northgate Corridor Overlay Redevelopment District Krenek Tap Overlay
<b>DEVELOPMENT REVIEW</b>		2704 TEXAS AVE S		Case: 13-235		ZBA

## NOTIFICATIONS

Advertised Board Hearing Date: December 3, 2013

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: Seven.  
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
<b>Subject Property</b>	GC General Commercial	Multi-tenant Retail
<b>North</b>	GC General Commercial R-6 High Density Multi-Family	Retail Riverwalk Apartments
<b>South</b>	GC General Commercial	Retail
<b>East</b>	GC General Commercial	Bank, Auto Repair Shop
<b>West</b>	CI Commercial Industrial	Multi-tenant Retail/Warehouse

## PHYSICAL CHARACTERISTICS

- Frontage:** The subject property has approximately 380 feet of frontage on Longmire Drive, 156 feet on Valley View Drive, and 986 feet on the Texas Avenue South frontage road.
- Access:** The subject property is accessed from all street frontages.
- Topography and vegetation:** The site is relatively flat and has little to no vegetation.
- Floodplain:** The subject property is not located within FEMA regulated 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.*

Staff has identified that the significant amount of TXDOT right-of-way at the intersection of Texas Avenue and Harvey Mitchell Parkway South (FM 2818) between the frontage road and the subject property could be considered an extraordinary or special condition for the purpose of signage.

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

The variance is necessary for the preservation and enjoyment of a substantial property right as the property has special conditions that limit sign visibility.

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.*

Granting this variance will not be detrimental to the public health, safety, or welfare or injurious to property as the additional sign would be required to meet all other standards 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.*

Granting this variance will not have an effect of preventing the orderly subdivision of land, since this property has been designated as a building plot.

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.*

Granting of the variance will not have any effect of preventing flood hazard protection as it is not located in FEMA regulated floodplain.

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

Another property in the vicinity was granted a variance to the sign ordinance based on similar special conditions with TXDOT right-of-way.

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

This hardship is not the result of the applicant's own action as it was anticipated that Harvey Mitchell Parkway would be a grade separated Freeway with frontage roads.

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 the variance does not substantially conflict with the Comprehensive Plan as the sign will still adhere to all other standards of the UDO.

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.*

Given the conditions associated with this site, the application of the UDO would effectively prohibit or unreasonably restrict the utilization of the property.

## **ALTERNATIVES**

The applicant may choose to use the existing freestanding sign that is shared by the tenants of the shopping center. There are currently available cabinet spaces that could be occupied by the tenant give the property owner's approval. The location of the sign is located approximately 570' from Texas Avenue South. However, granting the variance would allow the applicant to locate a freestanding sign closer to the desired bypass traffic on Texas Avenue South.

## **STAFF RECOMMENDATION**

Staff recommends approval of the variance request with the following conditions:

1. That the sign be located along Texas Avenue South
2. The sign area be limited to 75 square feet
3. A maximum height of 25 feet, setback in accordance to the sign ordinance in the UDO
4. The existing abandoned freestanding sign frame be removed

## **SUPPORTING MATERIALS**

1. Application



FOR OFFICE USE ONLY	
CASE NO.:	<u>13-235</u>
DATE SUBMITTED:	<u>11-4-13</u>
TIME:	<u>10:22</u>
STAFF:	<u>PK</u>

## ZONING BOARD OF ADJUSTMENT APPLICATION

<b>MINIMUM SUBMITTAL REQUIREMENTS:</b>	
<input checked="" type="checkbox"/>	\$350 Zoning Board of Adjustment Application Fee.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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 2704 Texas Avenue S, College Station

LEGAL DESCRIPTION (Lot, Block, Subdivision) Lot 1,3, 4 Blk 1 Brandywine Subdivision

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

Name Vista College, Att: Juby Stout E-mail jstout@vistacollege.edu

Street Address 300 N. Coit Road #1400

City Richardson State Tx Zip Code 75080

Phone Number 972-733-3431 Fax Number 972-733-4222

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

Name CS Plaza Ltd. Att: David Cottrell E-mail david@david-cottrell.com

Street Address 1934 W. Gray, Suite 301

City Houston State TX Zip Code 77019

Phone Number 713-783-5052 Fax Number 713-324-4535

Current zoning of subject property 3

**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 7.5 N Freestanding Commercial Sign

GENERAL VARIANCE REQUEST

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

Allow 2 freestanding signs for this development

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.

2 freestanding signs are not allowed in this shopping center due to the size of 10.5 acres

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.

Vista College is new to the College Station market and will be opening a new Campus in this shopping center. We are requesting a single tenant freestanding sign for our potential student and employers will be able to easily locate us and give us identification signage.

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

Add single tenant freestanding sign in a location and size that the City of College Station will approve.

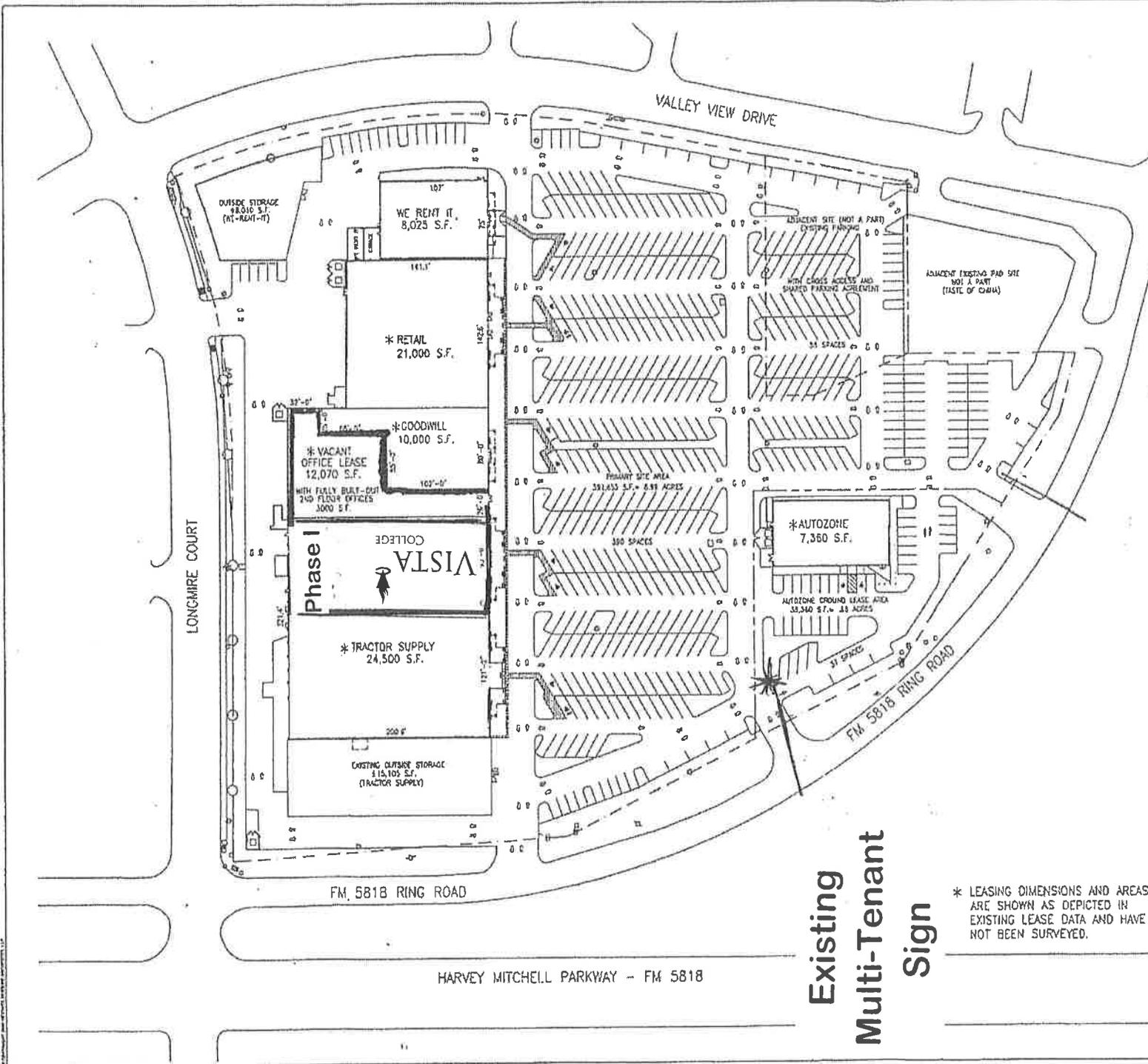
5. This variance will not be contrary to the public interest by virtue of the following facts:

We are a Trade School operating primarily in the State of Texas and are a benefit to the community.

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: [Handwritten Signature] General Partner CS Plaza, Ltd.

Date: 10-15-13



**College Station Shopping Plaza**  
**2704 Texas Avenue S**  
**College Station, TX 77840**

**Existing  
Multi-Tenant  
Sign**

\* LEASING DIMENSIONS AND AREAS ARE SHOWN AS DEPICTED IN EXISTING LEASE DATA AND HAVE NOT BEEN SURVEYED.



1 SITE

75 #

# Vista College Pylon College Station

12'-6"

Side View



- LED Dual Lit Channel Letters
- Mounted on a Non Lit Aluminum Cabinet
- White LED Internally Lit
- Orange LED Reverse Lit
- Black Channlet Letters and Trim Cap
- Black Cabinet

25'-0" Overall Height

Proposed Sign - Size, location, and specifications to be determined by the City of College Station, TX



wellborn sign co.  
wsignco.com

Please sign, date and email back so we can get to work for you

X

Note: Due to the color conversion process from Pantones and RGB into CMYK