



College Station, TX

City Hall
1101 Texas Ave
College Station, TX 77840

Meeting Agenda - Final

Zoning Board of Adjustment

The City Council may or may not attend this meeting.

Tuesday, May 3, 2016

6:00 PM

City Hall Council Chambers

1. Call meeting to order.
2. [16-0261](#) Presentation, possible action and discussion of an absence request for Ceci Matthews on May 3, 2016.

Attachments: [Absence Request CeCi Matthews May 3.pdf](#)
3. [16-0260](#) Presentation, possible action and discussion regarding the minutes from January 5, 2016.

Attachments: [January 5, 2016 Meeting Minutes.pdf](#)
4. [16-0270](#) Discussion of approved Administrative Adjustments.
* AWW2016-000002 2615 Warkworth; Side Setback
* AWW2016-000006 1406 Torey Pines Ct; Rear Setback
* AWW2016-000007 1014 Fairview; Rear Setback
* AWW2016-000008 1016 Fairview; Rear Setback
5. [16-0244](#) Public hearing, presentation, possible action, and discussion to consider a variance to Unified Development Ordinance Section 12-6.4.E 'Specific Use Standards Drive-in/Thru Window' being the requirements for drive-in/thru uses in Northgate Zoning Districts, for the property located at 801 University Drive, being approximately 1 acre within A005001, JE SCOTT (ICL), Tract 600.1, generally located near the northwest intersection of University Drive and College Avenue which is zoned NG-2 Transitional Northgate.

Sponsors: Bullock

Attachments: [Staff Report](#)
 [Application](#)
 [Proposed Site Plan](#)
6. [16-0257](#) Public hearing, presentation, possible action, and discussion to consider a sign variance for 301 University Drive, generally located at the Northeast corner of University Drive and Boyett Street, which is zoned NG-1 Core Northgate. Case AWW2016-000005

Sponsors: Thomas

Attachments: [Staff Report](#)
 [Application](#)
 [Proposed Sign](#)
 [Proposed Sign Location View 1](#)
 [Proposed Sign Location View 2](#)

7. Discussion and possible action on future agenda items - A 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.

The Board or Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion.

APPROVED

City Manager

I certify that the above Notice of Meeting was posted at College Station City Hall, 1101 Texas Avenue, College Station, Texas, on April 27, 2016 at 5:00 p.m.

City Secretary

This building is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need accommodations, auxiliary aids, or services such as interpreters, readers, or large print are asked to contact the City Secretary's Office at (979) 764-3541, TDD at 1-800-735-2989, or email adaassistance@cstx.gov at least two business days prior to the meeting so that appropriate arrangements can be made. If the City does not receive notification at least two business days prior to the meeting, the City will make a reasonable attempt to provide the necessary accommodations.

Penal Code § 30.07. Trespass by License Holder with an Openly Carried Handgun.

"Pursuant to Section 30.07, Penal Code (Trespass by License Holder with an Openly Carried Handgun) A Person Licensed under Subchapter H, Chapter 411, Government Code (Handgun Licensing Law), may not enter this Property with a Handgun that is Carried Openly."

Codigo Penal § 30.07. Traspasar Portando Armas de Mano al Aire Libre con

Licencia.

“Conforme a la Seccion 30.07 del codigo penal (traspasar portando armas de mano al aire libre con licencia), personas con licencia bajo del Sub-Capitulo H, Capitulo 411, Codigo de Gobierno (Ley de licencias de arma de mano), no deben entrar a esta propiedad portando arma de mano al aire libre.”



Legislation Details (With Text)

File #: 16-0261 **Version:** 1 **Name:**
Type: Absence Request **Status:** Agenda Ready
File created: 4/26/2016 **In control:** Zoning Board of Adjustment
On agenda: 5/3/2016 **Final action:**
Title: Presenation, possible action and discussion of an absence request for Ceci Matthews on May 3, 2016.
Sponsors:
Indexes:
Code sections:
Attachments: [Absence Request CeCi Matthews May 3.pdf](#)

Date	Ver.	Action By	Action	Result
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Presenation, possible action and discussion of an absence request for Ceci Matthews on May 3, 2016.

Relationship to Strategic Goals: (Select all that apply)

- Good Governance

Recommendation(s): To approve



CITY OF COLLEGE STATION
Planning & Development Services

Absence Request Form
For Elected and Appointed Officers

Name Ceci Matthews

Request Submitted on April 5, 2016

I will not be in attendance at the meeting of May 3, 2016

for the reason(s) specified: _____ (Date)
CSMS Awards Event

Via Email: DGR



Legislation Details (With Text)

File #: 16-0260 **Version:** 3 **Name:**
Type: Minutes **Status:** Agenda Ready
File created: 4/26/2016 **In control:** Zoning Board of Adjustment
On agenda: 5/3/2016 **Final action:**
Title: Presentation, possible action and discussion regarding the minutes from January 5, 2016.
Sponsors:
Indexes:
Code sections:
Attachments: [January 5, 2016 Meeting Minutes.pdf](#)

Date	Ver.	Action By	Action	Result
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Presentation, possible action and discussion regarding the minutes from January 5, 2016.

Relationship to Strategic Goals: (Select all that apply)

- Good Governance

Recommendation(s): To Approve



MINUTES
ZONING BOARD OF ADJUSTMENT
January 5, 2016
College Station City Hall
Council Chambers
1101 Texas Avenue
6:00 P.M.

MEMBERS PRESENT: Chairman Johnny Burns, Ceci Matthews, David Ohendalski, Scott Simpson, Alternate David O'Neill

MEMBERS ABSENT: Rory Cannaday

STAFF PRESENT: Director of Planning & Development Services Lance Simms, Staff Planner Mark Bombek, City Attorney John Haislet, Staff Assistant Deborah Grace-Rosier, IT Support Lauren Basey.

AGENDA ITEM NO. 1: Call to Order.

Chairman Johnny Burns called the meeting to order at 6:00.

AGENDA ITEM NO. 2: Discussion of approved Administrative Adjustments

- **AWV2015-000005 2521 Kimbolton Dr; Rear Setback Administrative Adjustment**
- **AWV2015-000006 4002 Wild Creek Ct; Rear Setback Administrative Adjustment**
- **AWV2015-000007 105 Holik St ; Side Setback Administrative Adjustment**
- **AWV2015-000008 800 William D Fitch Pkwy; Taco Casa Signage Administrative Adjustment**
- **AWV2015-000014 404 Jane St; Mad Taco Parking Reduction Administrative Adjustment**
- **AWV2015-000017 1610 Lemon Tree; Front Setback Administrative Adjustment**
- **AWV2015-000020 400 Momma Bear Dr; Driveway Administrative Adjustment**
- **AWV2015-000021 406 Momma Bear Dr; Driveway Administrative Adjustment**
- **AWV2015-000023 410 Momma Bear Dr; Driveway Administrative Adjustment**
- **AWV2015-000024 414 Momma Bear Dr; Driveway Administrative Adjustment**
- **AWV2015-000025 418 Momma Bear Dr; Driveway Administrative Adjustment**
- **AWV2015-000026 422 Momma Bear Dr; Driveway Administrative Adjustment**
- **AWV2015-000027 426 Momma Bear Dr; Driveway Administrative Adjustment**
- **AWV2015-000028 430 Momma Bear Dr; Driveway Administrative Adjustment**
- **AWV2015-000029 434 Momma Bear Dr; Driveway Administrative Adjustment**
- **AWV2015-000030 438 Momma Bear Dr; Driveway Administrative Adjustment**
- **AWV2015-000031 440 Momma Bear Dr; Driveway Administrative Adjustment**
- **AWV2015-000032 901 William D Fitch Pkwy; Bahama Bucks Parking Reduction Administrative Adjustment**
- **AWV2015-000034 4005 Wild Creek; Driveway Administrative Adjustment**

There was no discussion.

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

- May 27, 2015

Board Member Matthews motioned to approve the meeting minutes. Board Member ONeill seconded the motion, which passed unopposed (5-0).

AGENDA ITEM NO. 4: Public hearing, presentation, possible action, and discussion to consider a variance to Unified Development Ordinance Section 12-6.4.H.4 Specific Use Standards for Golf Course or Driving Range being the required setback for structures or activity related to the use for the property located within the 23.112 acre tract and Lot 3, Block One of the Horse Haven Estates Subdivision, Phase 3, generally located at 2741 Horseback Court which is zoned GS- General Suburban and R-Rural. (M. Bombek)

Staff Planner, Mark Bombek presented the staff report and told the Board that the applicant is requesting a 36.5-foot variance to the required 100-foot minimum distance between a residential property and driving range or golf course activity or structure. As part of the specific use standards any driving range or golf course structure or activity is required to be a minimum of 100 feet from any residentially designated property. The applicant is intending to utilize some of the existing structures on the property that are encroaching into this setback.

There was general discussion amongst the Board and City Staff.

Chairman Burns opened the public hearing.

Todd Carnes, 802 Dove Chase Lane, College Station, TX, stepped before the Board and sworn in by Chairman Burns. Mr. Carnes spoke in favor of the request.

Karl Kolbe, 2741 Horseback Court, College Station, TX, stepped before the Board and was sworn in by Chairman Burns. Mr. Kolbe spoke in favor of the request.

There was general discussion amongst the Board.

Board Member ONeill motioned to approve the 100-foot minimum setback due to the following condition: terms of the ordinance prohibit the use of the existing structure and it's reasonable use in this zone; a hardship being: removal of a pre-existing building on the property; and the following limitations: limited to 63.5 feet setback within the 23.112 acre Tract and Lot 3, Block One of the Horse Haven Estates Subdivision, Phase 3, located at 2741 Horseback Court and the 80'x100' existing structure only. Board Member Ohendalski seconded the motion.

The Board continued discussions.

Chairman Burns called for the vote to approve. The vote was (4-1) Board Member Simpson voting for denial. The motion for approval passed.

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 a place the subject on an agenda for a subsequent meeting.

No future agenda items were expressed by the Board.

AGENDA ITEM NO.6: Adjourn

Board Member Ohendalski motioned to adjourn. Board Member Matthews seconded the motion, which passed unopposed (5-0)

The meeting was adjourned at 6:42

ATTEST:

APPROVED:

Deborah Grace-Rosier, Staff Assistant

Johnny Burns, Chairman



Legislation Details (With Text)

File #: 16-0270 **Version:** 1 **Name:** Administrative Adjustment
Type: Administrative Adjustment **Status:** Agenda Ready
File created: 4/27/2016 **In control:** Zoning Board of Adjustment
On agenda: 5/3/2016 **Final action:**

Title: Discussion of approved Administrative Adjustments.
* AWW2016-000002 2615 Warkworth; Side Setback
* AWW2016-000006 1406 Torey Pines Ct; Rear Setback
* AWW2016-000007 1014 Fairview; Rear Setback
* AWW2016-000008 1016 Fairview; Rear Setback

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Discussion of approved Administrative Adjustments.
* AWW2016-000002 2615 Warkworth; Side Setback
* AWW2016-000006 1406 Torey Pines Ct; Rear Setback
* AWW2016-000007 1014 Fairview; Rear Setback
* AWW2016-000008 1016 Fairview; Rear Setback



Legislation Details (With Text)

File #: 16-0244 **Version:** 2 **Name:** 801 University Drive Use Variance
Type: Variance **Status:** Agenda Ready
File created: 4/22/2016 **In control:** Zoning Board of Adjustment
On agenda: 5/3/2016 **Final action:**

Title: Public hearing, presentation, possible action, and discussion to consider a variance to Unified Development Ordinance Section 12-6.4.E 'Specific Use Standards Drive-in/Thru Window' being the requirements for drive-in/thru uses in Northgate Zoning Districts, for the property located at 801 University Drive, being approximately 1 acre within A005001, JE SCOTT (ICL), Tract 600.1, generally located near the northwest intersection of University Drive and College Avenue which is zoned NG-2 Transitional Northgate.

Sponsors: Jessica Bullock

Indexes:

Code sections:

Attachments: [Staff Report](#)
[Application](#)
[Proposed Site Plan](#)

Date	Ver.	Action By	Action	Result
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Public hearing, presentation, possible action, and discussion to consider a variance to Unified Development Ordinance Section 12-6.4.E 'Specific Use Standards Drive-in/Thru Window' being the requirements for drive-in/thru uses in Northgate Zoning Districts, for the property located at 801 University Drive, being approximately 1 acre within A005001, JE SCOTT (ICL), Tract 600.1, generally located near the northwest intersection of University Drive and College Avenue which is zoned NG-2 Transitional Northgate.



CITY OF COLLEGE STATION

**VARIANCE REQUEST
FOR
801 University
AWV2016-000009**

- REQUEST:** A variance to Unified Development Ordinance Section 12-6.4.E 'Specific Use Standards Drive-in/Thru Window', to allow for a drive thru expansion in NG-2 Transitional Northgate.
- LOCATION:** 801 University
A005001, JE SCOTT (ICL), Tract 600.1, being .8857 acres
- APPLICANT:** Nathan Billiot, P.E, Pape-Dawson Engineers
- PROJECT MANAGER:** Jessica Bullock, Senior Planner
jbullock@cstx.gov
- BACKGROUND:** The subject property is zoned NG-2 Transitional Northgate and requires all outside activities and appurtenances related to drive-in/thru service to be located wholly underneath a habitable structure, screened from view from the University Drive right-of-way, and designed to be sensitive to the pedestrian environment.
- The subject property is currently developed as McDonalds with a single-lane drive-thru that is exposed and not wholly underneath a habitable structure. While the order box is located behind the building and not visible from the right-of-way, the remaining drive-thru area and pick-up window is not. The applicant is looking to add a side-by-side drive-thru facility at the rear of the building that will continue to be exposed.
- APPLICABLE ORDINANCE SECTION:** UDO Section 12-6.4.E 'Specific Use Standards Drive-in/Thru Window'
- ORDINANCE INTENT:** UDO Section 12-6.4.E 'Specific Use Standards Drive-in/Thru Window', sets supplemental standards that allow uses in specific zoning districts but enforce additional restrictions to mitigate their impact on surrounding zoning districts.
- RECOMMENDATION:** Staff recommends denial of the variance request.



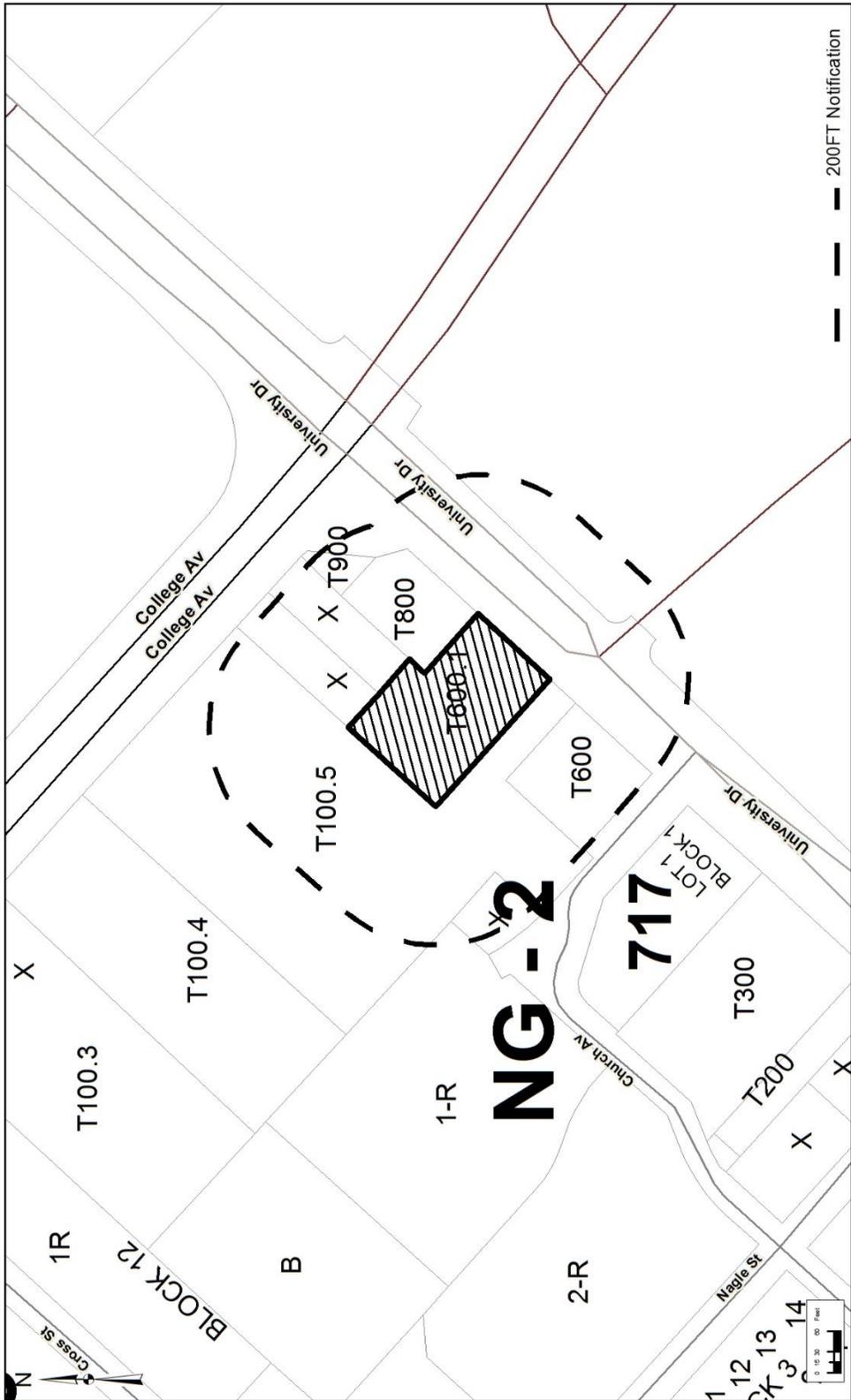
ZBA

Case: AWW2016-000009

MCDONALDS

DEVELOPMENT REVIEW





Zoning Districts	R Rural	R-4 Multi-Family	BPI Business Park Industrial	PDD Planned Development District
E Estate	R-6 High Density Multi-Family	NAP Natural Areas Protected	WPC Wolf Pen Creek Dev. Corridor	Core Northgate
RS Restricted Suburban	MHP Manufactured Home Park	C-3 Light Commercial	NG-1 Transitional Northgate	Residential Northgate
GS General Suburban	O Office	M-1 Heavy Industrial	NG-2 Corridor Overlay	Redevelopment District
R-1B Single Family Residential	SC Suburban Commercial	M-2 College and University	OV	Krenek Tap Overlay
D Duplex	GC General Commercial	R & D Research and Development	RDD	
T Townhouse	CI Commercial-Industrial	P-MUD Planned Mixed-Use Development	KO	



DEVELOPMENT REVIEW

MCDONALDS

Case:
AWW2016-000009

ZBA

NOTIFICATIONS

Advertised Board Hearing Date: May 3, 2016

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

None

Property owner notices mailed: 4
Contacts in support: None at the time of this report.
Contacts in opposition: None at the time of this report.
Inquiry contacts: 1

ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	NG-2 Transitional Northgate	McDonalds
North	NG-2 Transitional Northgate	Parking (Former Albertsons grocery site)
South Across University Dr.	College and University	Texas A&M University
East	NG-2 Transitional Northgate	Chiptole, IHOP, Schlotzky's
West	NG-2 Transitional Northgate	Taco Bell

PHYSICAL CHARACTERISTICS

1. **Frontage:** The subject property has approximately 139 feet of frontage on University Drive.
2. **Access:** The subject property is currently taking access from University Drive.
3. **Topography and vegetation:** The subject property is relatively flat, and located within the Wolf Pen Creek drainage basin.
4. **Floodplain:** The subject property is not located within FEMA regulated floodplain.

REVIEW CRITERIA

According to Unified Development Ordinance Section 12-3.19.E 'Criteria for Approval of Variance', no variance shall be granted unless the Board makes affirmative findings in regard to all nine of the following 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.*

This property is currently constructed as a McDonalds site which currently operates with a single-lane drive-thru. While the lane width near the order box is larger, the remaining queuing area, on the left side of the building, operates with a 10-foot drive-thru lane and an

approximate eight foot by-pass lane. The applicant proposes changes to the drive-thru area behind the building, to allow an additional order lane. Due to the location of the work, there are no extraordinary or special conditions of the land that will deprive the applicant of reasonable use of the land if UDO Section 12-6.4.E 'Specific Use Standards Drive-in/Thru Window' is applied.

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.*

If the proposed variance is not granted, the current use of the property as a restaurant with an exposed single-lane drive-thru, would still be permitted as a grandfathered use. The variance to not have a drive-thru wholly underneath a habitable structure is not necessary for the preservation and enjoyment of the substantial property right of the applicant.

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 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.

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 the variance will not have the effect of preventing the orderly subdivision of land in the area in accordance with the provisions of the UDO. The adjacent tracts are unplatted and should be able to meet the Subdivision Regulations when platting if the variance to UDO Section 12-6.4.E 'Specific Use Standards Drive-in/Thru Window' is granted.

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 due to no portion of this property being located within floodplain.

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

All property in the Northgate area will be required to meet UDO Section 12-6.4.E 'Specific Use Standards Drive-in/Thru Window' upon development or redevelopment of a restaurant with a drive-thru. There are two adjacent restaurant uses with exposed drive-thru area. There are no special conditions with the subject property that would apply to others in the area.

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

Staff does not believe a hardship exists on the subject property. The applicant's desire to add an additional drive-thru lane does not constitute a substantial hardship on the property as the applicant currently has the ability to operate a restaurant with a drive-thru.

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 or purposes 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.*

Staff does not believe there are special conditions on the property. Therefore, the application of the UDO standards to this particular property does not prohibit the applicant in the utilization of their property.

ALTERNATIVES

The applicant proposes the location of the additional drive-thru at the rear of the building and states that this provides an alternative screening method.

STAFF RECOMMENDATION

Staff recommends denial of the variance request as a hardship or extraordinary condition does not appear to exist in this case.

SUPPORTING MATERIAL

1. Application
2. Proposed Site Plan



FOR OFFICE USE ONLY	
CASE NO.:	_____
DATE SUBMITTED:	_____
TIME:	_____
STAFF:	_____

ZONING BOARD OF ADJUSTMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:	
<input checked="" type="checkbox"/>	\$350 Zoning Board of Adjustment Application Fee.
<input checked="" 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 checked="" 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 801 University Drive

LEGAL DESCRIPTION (Lot, Block, Subdivision) J.E. Scott League, College Station, Brazos County

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

Name Nathan Billiot, P.E. E-mail nbilliot@pape-dawson.com

Street Address 10333 Richmond Avenue, Suite 900

City Houston State TX Zip Code 77042

Phone Number (713) 428-2400 Fax Number (713) 428-2420

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

Name McDonald's USA, LLC (Bridgitte McKinley, representative) E-mail bridgitte.mckinley@us.mcd.com

Street Address 3707 Cypress Creek Parkway, Suite 300

City Houston State TX Zip Code 77068

Phone Number (317) 938-2523 Fax Number (281) 587-7368

Current zoning of subject property Northgate Zoning District (NG-2)

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 type="checkbox"/> Sign variance | <input type="checkbox"/> Drainage Variance |
| <input type="checkbox"/> Lot dimension variance | <input checked="" type="checkbox"/> Other <u>Open-air drive-through not wholly enclosed</u> |

Applicable ordinance section to vary from:

Sec. 12-6.4.E.1. - Drive-in/Thru Window

GENERAL VARIANCE REQUEST

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

To allow an update of an existing single-lane, open-air drive-through facility to a proposed open-air, side-by-side drive-through facility without construction of a wholly enclosed habitable structure

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 proposed update would alleviate stacking due to high traffic volume around/on the property by decreasing drive-through service time, and thereby be beneficial to the public welfare. A wholly enclosed drive-through would pose a public safety hazard due to accumulation and entrapment of carbon monoxide fumes, moreso with increased traffic.

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.

A wholly enclosed drive-through poses a safety hazard due to accumulation and entrapment of carbon monoxide fumes, moreso during times of high traffic volume, thereby posing a public health risk. A double enclosed drive-through would greatly increase that public health risk.

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

The proposed, updated drive-through would be screened from view from University Drive by retaining its location at the rear of the building and would be sensitive to pedestrian traffic by maintaining its placement away from sidewalks/walkways. Existing landscaping at the rear and west side of the site eliminates any screening concerns.

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

To satisfy legal intent, the proposed updates would alleviate on-site stacking, be screened from view from University Drive at the rear of the building, and be sensitive to pedestrians by placement away from sidewalks/walkways.

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.

DEV. DEPT.
AREA CONSTRUCTION
MANAGER

B. McKinley

Signature and title

3/31/16

Date



Legislation Details (With Text)

File #: 16-0257 **Version:** 3 **Name:** 301 University - Sign Variance
Type: Variance **Status:** Agenda Ready
File created: 4/26/2016 **In control:** Zoning Board of Adjustment
On agenda: 5/3/2016 **Final action:**

Title: Public hearing, presentation, possible action, and discussion to consider a sign variance for 301 University Drive, generally located at the Northeast corner of University Drive and Boyett Street, which is zoned NG-1 Core Northgate. Case AWV2016-000005

Sponsors: Madison Thomas

Indexes:

Code sections:

Attachments: [Staff Report](#)
[Application](#)
[Proposed Sign](#)
[Proposed Sign Location View 1](#)
[Proposed Sign Location View 2](#)

Date	Ver.	Action By	Action	Result
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Public hearing, presentation, possible action, and discussion to consider a sign variance for 301 University Drive, generally located at the Northeast corner of University Drive and Boyett Street, which is zoned NG-1 Core Northgate. Case AWV2016-000005



CITY OF COLLEGE STATION

**VARIANCE REQUEST
FOR
301 University Drive
AWV2016-000005**

- REQUEST:** A variance to Unified Development Ordinance (UDO) Section 12-5.8.12. 'Sign Standards', to allow a freestanding sign the NG-1 Zoning District.
- LOCATION:** 301 University Drive
Boyett Subdivision, Block 1, Lot 13B and 13C
- APPLICANT:** James Boedeker, H&M Wholesale
- PROJECT MANAGER:** Madison Thomas, Staff Planner
mthomas@cstx.gov
- BACKGROUND:** The subject property is located in the NG-1 Core Northgate zoning district and is believed to have been constructed in the late 1980's. This property was zoned to NG-1 Core Northgate in 1996. In 2003, the fuels sales use was changed to not permitted, but this business was allowed to remain as a nonconforming use. The NG-1 zoning district allows for Attached Signs, Window Sign, Hanging Signs, and Projection Signs. Due to the high-density, urban characteristics of the Northgate area, signage is designed to the pedestrian scale. **The applicant is requesting a variance to the prohibition of freestanding signs in the Northgate NG-1 Zoning District.**
- APPLICABLE ORDINANCE SECTION:** UDO Section 12-5.8.12. 'Sign Standards'
- ORDINANCE INTENT:** UDO Section 12-5.8.12. 'Sign Standards', sets supplemental standards that allows specific types of signs in the Northgate Zoning Districts. Freestanding signage is not included in this section and is therefore prohibited. Similar signage, low profile signs, are permitted only in NG-2 Transitional Northgate zoning for building plots over 150 feet along South College Station Avenue.
- RECOMMENDATION:** Staff recommends denial of the variance request.

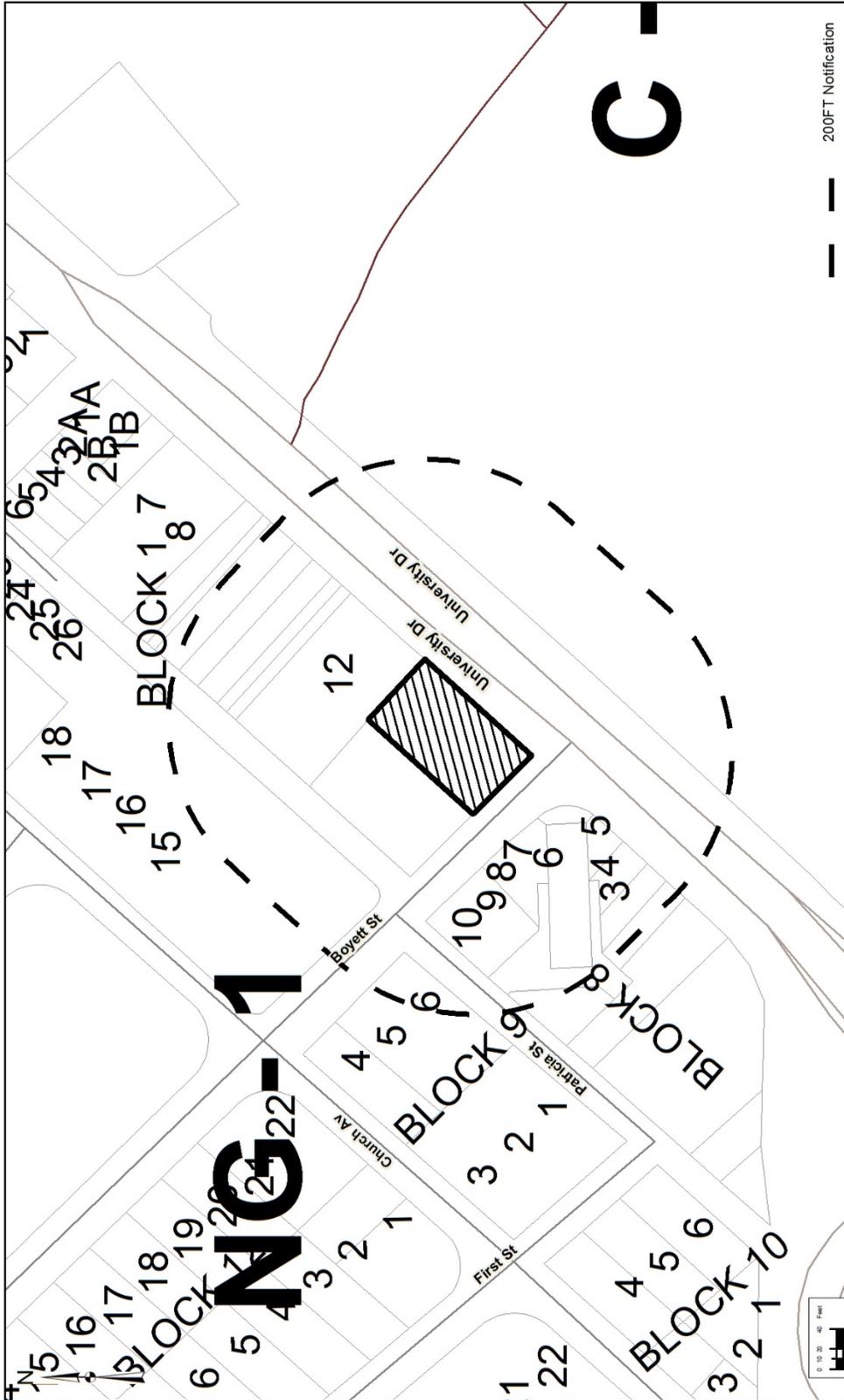


Case: NORTHGATE STANDARDS APPEAL
AW/2016-000005

301 UNIVERSITY DR

DEVELOPMENT REVIEW





Zoning Districts

R	Rural	R-4	Multi-Family	BPI	Business Park Industrial	PDD	Planned Development District
E	Estate	R-6	High Density Multi-Family	NAP	Natural Areas Protected	WPC	Wolf Pen Creek Dev. Corridor
RS	Restricted Suburban	MHP	Manufactured Home Park	C-3	Light Commercial	NG-1	Core Northgate
GS	General Suburban	O	Office	M-1	Light Industrial	NG-2	Transitional Northgate
R-1B	Single Family Residential	SC	Suburban Commercial	M-2	Heavy Industrial	NG-3	Residential Northgate
D	Duplex	GC	General Commercial	C-U	College and University	OV	Corridor Overlay
T	Townhouse	CI	Commercial-Industrial	R-D	Research and Development	RDD	Redevelopment District
		BP	Business Park	P-MUD	Planned Mixed-Use Development	KO	Krenek Tap Overlay

--- 200FT Notification

DEVELOPMENT REVIEW

301 UNIVERSITY DR

Case: NORTHGATE STANDARDS APPEAL
AWV2016-000005

NOTIFICATIONS

Advertised Board Hearing Date: May 3, 2016

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

None

Property owner notices mailed: 21
Contacts in support: None at the time of this report.
Contacts in opposition: None at the time of this report.
Inquiry contacts: None at the time of this report.

ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	NG-1 Core Northgate	Fuel Station
North	NG-1 Core Northgate	Parking lot
South (across University Dr.)	Texas A&M University	Texas A&M University
East	NG-1 Core Northgate	Commercial Business
West (across Boyett Street)	NG-1 Core Northgate	Commercial Business

PHYSICAL CHARACTERISTICS

- Frontage:** The subject property has approximately 140 feet of frontage on University Drive and approximately 170 feet on Boyett Street.
- Access:** The subject property is currently taking access from Boyett Street.
- Topography and vegetation:** The subject property is relatively flat. The property has a few mature crepe myrtles and some unpaved area towards the rear of the property.
- Floodplain:** The subject property is not located within FEMA regulated floodplain.

REVIEW CRITERIA

According to Unified Development Ordinance Section 12-3.19.E 'Criteria for Approval of Variance', no variance shall be granted unless the Board makes affirmative findings in regard to all nine of the following 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 that the property is unique in that it has open space for a freestanding sign. The applicant also states that the allowable sign placement does not fall within oil

company specifications for a price sign. Staff has determined that the site has additional open space because it is currently nonconforming and does not meet NG-1 Site Design Standards. Core Northgate has a minimum floor to area ratio of 1:1, and this site design would not currently be allowed to be developed today and would not be allowed to have that much open space. Staff believes that the fuel price signage could be attached to the building or the existing fuel canopy as it has been done in the past at this location. Therefore, a strict application of the UDO would not 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.*

The variance is not necessary for the preservation and enjoyment of the substantial property right of the applicant. If the proposed variance is not granted, the current use of the property as a fuel sales use would still be permitted as a nonconforming use and be permitted to use any of the permitted NG-1 signage options.

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 the variance would not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this UDO.

4. **Subdivision:** *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 the variance will not have the effect of preventing the orderly subdivision of land in the area in accordance with the provisions of the UDO because the variance is for a sign.

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 due to 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.*

The same requirements would apply to any property designated as a Northgate Zoning District. Freestanding signs are not allowed in any Northgate Zoning District.

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

Staff does not believe a hardship exists on the subject property. The applicant's desire to add a freestanding sign on the property does not constitute a substantial hardship. The property has existing signage approximately 67 square feet in area. Given the building frontage of approximately 55 feet, they can have up to 137 square feet of attached signage. This can be located on the building or on the existing fuel canopy.

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 would not substantially conflict with the Comprehensive Plan. The Unified Development Ordinance speaks to the Northgate area as a unique district with increased density, pedestrian-friendly environment with high quality building design and specialized signage.

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 property does not prohibit or unreasonably restrict the applicant in the utilization of their property.

ALTERNATIVES

The applicant offered has offered no alternatives. However, as mentioned earlier, the applicant has the option of installing a price sign on the building or existing canopy.

STAFF RECOMMENDATION

Staff recommends denial of the variance request as a hardship or extraordinary condition does not appear to exist in this case.

SUPPORTING MATERIAL

1. Application
2. Proposed Sign
3. Proposed Sign Location View 1
4. Proposed Sign Location View 2



FOR OFFICE USE ONLY	
CASE NO.:	_____
DATE SUBMITTED:	_____
TIME:	_____
STAFF:	_____

ZONING BOARD OF ADJUSTMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:	
<input 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 301 University Drive College Station, TX 77840

LEGAL DESCRIPTION (Lot, Block, Subdivision) Lot 13 B, Block 1, Bayett subdivision

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

Name James Boedeker-Ham Wholesale E-mail jamesbc.suddenlinkmail.com

Street Address 14725 Fm 2154

City College Station State TX Zip Code 77845

Phone Number 979-690-1245 Fax Number 979-690-0116

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

Name Syed Akhtar E-mail shahanzebali@gmail.com

Street Address 301 University Drive

City College Station State TX Zip Code 77840

Phone Number 832-518-9442

Fax Number _____

Current zoning of subject property Northgate 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:

Sec. 12-5.8 : No freestanding signs in Northgate.

GENERAL VARIANCE REQUEST

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

Low level monument freestanding Chevron/price sign.

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 property is unique in the fact that, unlike other Northgate businesses, it does have an open space for a freestanding sign.

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.

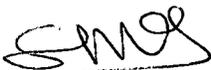
The currently allowable sign placement does not fall within allowable oil company specifications for a price sign.

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

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

It will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area or to the City.

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

3-22-2016

Date







