

Zoning Board of Adjustment Agenda
Bastrop City Hall City Council Chambers
1311 Chestnut Street
Bastrop, TX 78602
(512) 332-8840



Agenda – August 12, 2019 at 6:00 P.M.

City of Bastrop Zoning Board of Adjustment meetings are available to all persons regardless of disability. If you require special assistance, please contact the Planning Department at (512) 332-8840 or write 1311 Chestnut Street, 78602, or emailing plan@cityofbastrop.org or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purposes of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

The City of Bastrop reserves the right to reconvene, recess, or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

- 1. CALL TO ORDER**
- 2. CITIZEN COMMENTS**

Comments will be heard from the audience on any topic not listed on the agenda, not to exceed three (3) minutes in length. To address the Board, please submit a fully completed request card to the Board Secretary prior to the beginning of the meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, the Board cannot discuss issues raised or make any decision at this time. Issues may be referred to City Staff for research and possible future action.

To address the Board concerning any item on the agenda, please submit a fully completed request card to the Board Secretary prior to the consideration of that item.

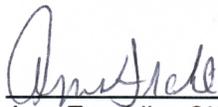
- 3. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 3A. Consider action to approve meeting minutes from the March 7, 2018 Zoning Board of Adjustment Meeting.**

- 3B. Public hearing and consider action on a variance to Article 3.20 – Signs, 3.20.016(4)(D) to allow a pylon sign when a building size of less than 12,000 square feet only allows a monument sign, for 0.638 acre out of Building Block 119, East of Water Street, 0.602 acres out of Building Block 119, East of Water Street, 0.3190 acres, out of Building Block 118, East of Water Street, and 3.233 acres out of Trem Subdivision Phase 1, Block A, Lot 1, located at the southeast corner of State Highway 71 and Jackson Street.
- 3C. Public hearing and consider action to approve or disapprove a variance to Article 3.20 Signs: 3.20.015(13)(B) / 3.20.016(4)(D)(ii) to allow an increase in sign height when 35 feet is the maximum height for a pylon sign for 0.638 acres out of Building Block 119, East of Water Street, 0.602 acres out of Building Block 119, East of Water Street, 0.3190 acres, out of Building Block 118, East of Water Street, and 3.233 acres out of Trem Subdivision Phase 1, Block A, Lot 1 within the city limits of Bastrop, Texas.
- 3D. Public hearing and consider action on a variance to Article 3.20 – Signs, 3.20.015(13)(B)/3.20.016(4)(D)(i)(a) to allow a sign face greater than the 160 square feet maximum for a pylon sign, for 0.638 acre out of Building Block 119, East of Water Street, 0.602 acres out of Building Block 119, East of Water Street, 0.3190 acres, out of Building Block 118, East of Water Street, and 3.233 acres out of Trem Subdivision Phase 1, Block A, Lot 1, located at the southeast corner of State Highway 71 and Jackson Street.

4. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastrop.org and said Notice was posted on the following date and time: Thursday, August 8, 2019, 2019, at 11:00 a.m. and remained posted for at least two hours after said meeting was convened.



Ann Franklin, City Secretary



STAFF REPORT

MEETING DATE: August 12, 2019

AGENDA ITEM: 3A

TITLE:

Consider action to approve meeting minutes from the March 7, 2018 Zoning Board of Adjustment Meeting.

STAFF REPRESENTATIVE:

Vivianna Nicole Hamilton, Planning Technician

ATTACHMENTS:

Meeting Minutes



Zoning Board of Adjustment Agenda
Bastrop City Hall City Council Chambers
1311 Chestnut Street
Bastrop, TX 78602
(512) 332-8840



March 7, 2018 at 6:00 P.M.

1. CALL TO ORDER

Scott Bryant arrived at 6:35pm. (Not enough voting members without Bryant once Dan Hays-Clark recused himself from the item).

Dan Hays-Clark called the meeting to order at 6:40 p.m.

Dan Hays-Clark	PRESENT
Blas Coy	PRESENT
Bob Rogers	PRESENT
Scott Bryant	PRESENT
Jimmy Crouch	PRESENT
Pablo Serna	PRESENT

2. CITIZEN COMMENTS

No citizen comments.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

3A. Consider action to approve meeting minutes from the February 7, 2018 Zoning Board of Adjustment Meeting.

Blas Coy made a motion to approve the meeting minutes from the February 7, 2018 Zoning Board of Adjustment Meeting, with correction of typo. Jimmy Crouch seconded the motion and the motion carried unanimously.

3B. Public Hearing and consider action to approve an extension of the use of a non-conforming structure (temporary building), with conditions, pursuant to Chapter 14, Zoning Ordinance, Section 9.7 – Nonconforming Uses and Structures, for 0.194 acres of Building Block 8 West of Water Street, located at 1006 Alley A, in the city limits of Bastrop, Texas.

Dan Hays-Clark recused himself from the hearing and action due to a conflict of interest. Pablo Serna, alternate, joined the dais to vote on the item.

Applicant representative, Justin Vaughn presented the reasoning behind the applicant request to continue the use of the non-conforming structure for an additional six (6) years.

Staff representative, Jennifer C. Bills, Assistant Planning Director, presented the history of the variance granted at this location on April 13, 2013 and the applicants request to continue the non-conforming use of the structure with conditions to add landscape screening from an approved list of plant types.

Bob Rogers made a motion to approve the extension for four (4) years with the conditions stated, to provide landscape screening along the south side of the structure and the removal of the temporary building by July 31, 2022. The motion was seconded by Jimmy Crouch. Motion approved 5-0. (Hays-Clark recused).

4. ADJOURNMENT

The meeting adjourned at 7:43 p.m.

Dan Hays-Clark, Chair



STAFF REPORT

MEETING DATE: August 12, 2019

AGENDA ITEM: 3B

TITLE:

Public hearing and consider action on a variance to Article 3.20 – Signs, 3.20.016(4)(D) to allow a pylon sign when a building size of less than 12,000 square feet only allows a monument sign, for 0.638 acres out of Building Block 119, East of Water Street, 0.602 acres out of Building Block 119, East of Water Street, 0.3190 acres, out of Building Block 118, East of Water Street, and 3.233 acres out of Trem Subdivision Phase 1, Block A, Lot 1, located at the southeast corner of State Highway 71 and Jackson Street.

STAFF REPRESENTATIVE:

Jennifer C. Bills, AICP, LEED AP, Assistant Planning Director

ITEM DETAILS:

Site Address: Southeast corner of State Highway 71 and Jackson Street (Attachment 1)
Total Acreage: 4.792 acres
Legal Description: 0.638 acres out of Building Block 119, East of Water Street, 0.602 acres out of Building Block 119, East of Water Street, 0.3190 acres, out of Building Block 118, East of Water Street, and 3.233 acres out of Trem Subdivision Phase 1, Block A, Lot 1

Property Owner: CL Thomas Holdings, LLC
Agent Contact: David Meyer, Jr./QuikTrip Corporation

Existing Use: Vacant/Undeveloped
Existing Zoning: C-1, Commercial 1
Future Land Use: Professional Services

BACKGROUND/HISTORY:

The applicant is requesting a variance from the requirement that limits the allowance of a pylon sign type to sites that have a cumulative building size of 12,000 square feet or greater. The site is proposed to be a QuikTrip gasoline and convenience store, with a 7,318 square foot building. For this size and location, a 16-foot tall monument type sign would be allowed, but a pylon sign would not be allowed. The applicable code sections are listed and bolded in the Policy Explanation.

The applicant has provided a letter requesting a variance from the building size requirement, which allows a monument sign and instead to be allowed to have a pylon sign (Attachment 4). Along with this variance, they are requesting two additional variances, one to allow a sign height greater than the maximum height of 35 feet for a pylon sign and one to allow a sign face size

greater than the allowed 160 square foot maximum for a pylon sign. If the request for the pylon sign is not approved, then the additional requests cannot move forward. They are being considered individually so that the Board can deny or approve the additional two variances independent of each other.

The applicant is proposing to place the pylon sign at the corner of Jackson Street and State Highway 95. The property has a significant grade change of 30 feet as the property slopes up to the east, providing other locations on site that would have potentially better visibility from the highway from the east- and west-bound directions (Attachment 7). The top of the hill to the edge of the property is an elevation change of 16 feet.

For a variance to be granted, all of the conditions of Section 9.6 – Variances must be met. The analysis is included below.

PUBLIC NOTIFICATION:

Notifications were mailed to seven adjacent property owners on August 2, 2019 (Attachment 2). At the time of this report, no comments have been received.

POLICY EXPLANATION:

Article 3.20 - Signs

Section 3.20.006 – Definitions

Pole or pylon sign. Any sign that is mounted on a freestanding pole(s) or other support(s).

Monument sign. A monument sign is a sign attached to a contiguous structural base or berm, which base shall be of the same width as or greater width than the message portion of the sign, and is permanently affixed to the ground.

Sec. 3.20.016 - Sign dimensional standards by sign category

(4) *Pylon.*

(A) *Residential.* N/A.

(B) *Multifamily.* N/A.

(C) *Neighborhood services.* N/A.

(D) *Business.* For lots that have frontage on Highway 71 and where the cumulative size of one or more buildings on the lot is greater than twelve thousand (12,000) square feet. See [section 3.20.015](#)(13) for additional pylon sign criteria.

(i) Area:

a. Sign area: One hundred sixty (160) square feet.

b. Sign structure area: Two hundred forty (240) square feet.

(ii) Height: Thirty-five (35) feet.

(iii) Quantity: One per lot.

(iv) Spacing: One hundred (100) feet.

(2) *Monument.*

(A) *Residential.* N/A.

(B) *Multifamily.*

(i) Area: Twenty-four (24) square feet.

(ii) Height: Six (6) feet.

(iii) Quantity: One per street frontage. (iv) Spacing: Seventy-five (75) feet.

- (C) Neighborhood services.
 - (i) Area: Twenty-four (24) square feet.
 - (ii) Height: Six (6) feet.
 - (iii) Quantity: One per street frontage.
 - (iv) Spacing: Seventy-five (75) feet.

(D) Business.

(i) Area and height:

b. For sites with one or more buildings whose cumulative total size is between five thousand (5,000) and twelve (12,000) square feet the maximum dimensions are as follows:

1. Forty-eight (48) square feet of sign area, eighty (80) square feet of sign structure area and a maximum height of eight (8) feet if the speed limit of the road toward which the sign is oriented is less than forty (40) mph.

2. Sixty (60) square feet of sign area, one hundred twenty (120) square feet of sign structure area and a maximum height of twelve (12) feet if the speed limit of the road toward which the sign is oriented is forty (40) mph or greater.

3. Ninety-six (96) square feet of sign area, one hundred sixty (160) square feet of sign structure area and a maximum height of sixteen (16) feet if the site has frontage on Highway 71.

Chapter 14

9.6 - VARIANCES:

The Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only those conditions that it deems necessary to or desirable in the public interest. In making the findings hereinafter required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed use, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

A. In order to grant a variance from these zoning regulations, the Board of Adjustments must make written findings that undue hardship exists, using the following criteria:

1. Special circumstances or conditions exist which affect the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the land.

There are not special circumstance specific to this property that do not apply to other properties along State Highway 71. Additionally, the property topography provides additional elevation on the applicant's site above the main lanes of the highway on the east side of the property that affords more visibility than other property.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

The property can still be developed with a commercial use and have multiple building wall signs and monument signs that allow for the use of the property. Denial of the variance would not infringe of the substantial use of the property.

3. Granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area, and the spirit of the ordinance will be observed. Variances may be granted only when in harmony with the general purpose and intent of this ordinance.

Granting the variance my impact other properties in the area by blocking visibility or the views of existing or future development.

4. Granting of a variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this ordinance.

Granting the variance would not prevent the use of other land in the area.

5. Granting of a variance must be predicated on a finding that the applicant's practical difficulties or unnecessary hardship arise from unusual conditions or circumstances, such as exceptional irregularity of the land involved, which are not shared generally by other parcels in the neighborhood or district.

The property's location along State Highway 71 is not unique; many other sites are similarly situated beside the highway with visibility from the access road. Additionally, the slope on the east side of the property provides visibility above the main lanes of State Highway 71.

B. A variance is to be denied if conditions or circumstances relied on for a variance were created by a person having an interest in the property.

The applicant has not demonstrated valid conditions or circumstances to warrant a variance.

C. Financial hardship to the applicant, standing alone, shall not be deemed to constitute a hardship.

The applicant has not claimed a financial hardship for the variance request.

D. The applicant bears the burden of proof in establishing the facts justifying a variance.

The applicant has not demonstrated that all options for other signage have been explored and proven to be ineffective.

RECOMMENDATION:

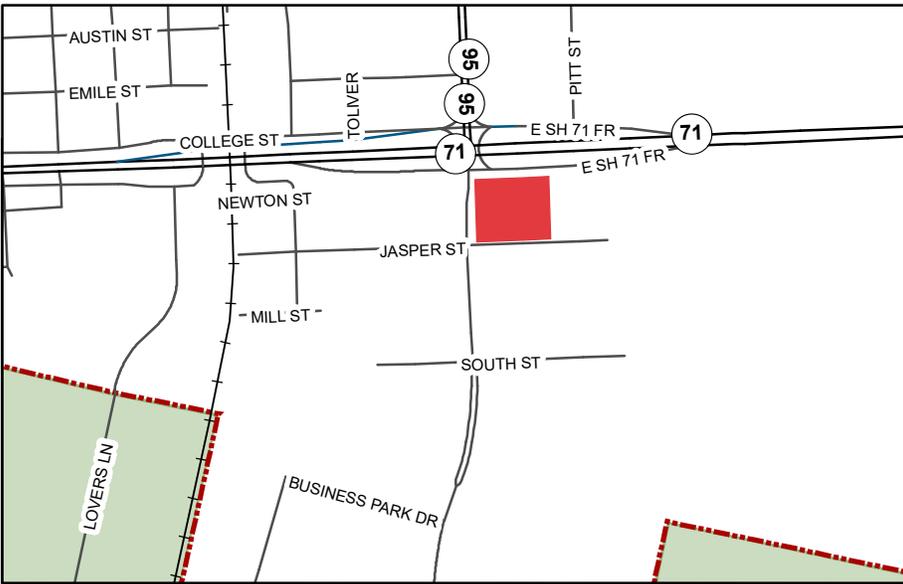
Hold public hearing and consider action to **deny** a variance to Article 3.20 – Signs, 3.20.016(4)(D) to allow a pylon sign when a building size of less than 12,000 square feet only allows a monument sign, for 0.638 acres out of Building Block 119, East of Water Street, 0.602 acres out of Building Block 119, East of Water Street, 0.3190 acres, out of Building Block 118, East of Water Street, and 3.233 acres out of Trem Subdivision Phase 1, Block A, Lot 1, located at the southeast corner of State Highway 71 and Jackson Street.

ATTACHMENTS:

- Attachment 1: Location Map
- Attachment 2: Surrounding Property Owner Notification
- Attachment 3: Applicant Letter
- Attachment 4: View from the east
- Attachment 5: View from the west
- Attachment 6: Grading Plan and Sign Placement
- Attachment 7: Highway View August 7, 2019



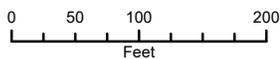
Attachment 1 Location Map



Trem Subdivision - QuikTrip



Variances QuikTrip Sign Type, Height, and Area



1 inch = 150 feet



Date: 8/1/2019

The accuracy and precision of this cartographic data is limited and should be used for information /planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of any such information, nor does it represent that its use would not infringe upon privately owned rights.

**Notice of Request
City of Bastrop
Zoning Board of Adjustment**



Dear Property Owner:

The **Zoning Board of Adjustment** will conduct a public hearing on **August 12, 2019 at 6:00 p.m.** in the **City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas** to consider action on variances to Section 3.20 Signs:

- 3.20.016(4)(D) To allow a Pylon sign when the building size only allows a monument sign;
- 3.20.015(13)(B) / 3.20.016(4)(D)(ii) To allow an increase in sign height when 35 feet is the maximum height for a pylon sign;
- 3.20.015(13)(B) / 3.20.016(4)(D)(i)(a) To allow a sign face greater than the 160 square feet maximum.

For 0.638 acres out of Building Block 119, East of Water Street, 0.602 acres out of Building Block 119, East of Water Street, 0.3190 acres, out of Building Block 118, East of Water Street, and 3.233 acres out of Trem Subdivision Phase 1, Block A, Lot 1 within the city limits of Bastrop, Texas.

Owner/Applicant: QuikTrip

Legal Description: 0.638 acres out of Building Block 119, East of Water Street
0.602 acres out of Building Block 119, East of Water Street
0.3190 acres, out of Building Block 118, East of Water Street
3.233 acres out of Trem Subdivision Phase 1, Block A, Lot 1

The site location map and owner request letters are attached for reference.

As a property owner within 200 feet of the above referenced property, you are being notified of the upcoming meetings per the Bastrop Code of Ordinances Zoning Regulations.

For more information on this project, you can contact the Planning & Development office at (512) 332-8840, plan@cityofbastrop.org, or visit the office at 1311 Chestnut Street, Bastrop, Texas.



**PROPERTY OWNER'S
RESPONSE**

As a property owner within 200': (please check one)

- I am in favor of the request.
- I am opposed to the request.
- I have no objection to the request.

Property Owner Name: _____

Property Address: _____

Phone (optional): _____

Mailing Address: _____

Email (optional): _____

Property Owner's Signature: _____

Comments: (Optional)

RE: QuikTrip Signage

PLANNING & DEVELOPMENT



QuikTrip Corporation

AUSTIN DIVISION
1 Chisholm Trail Rd, Suite 450
Round Rock, TX 78681
704-604-3475

July 3, 2019

City of Bastrop
Zoning Board of Adjustments
1311 Chestnut Street
Bastrop, TX 78602

Re:

**QuikTrip # 4128 – SEC Hwy 71 & Jackson St.
Variance Request
3.20.016 (i)(2)(D)(b)(3) – Monument Sign**

To Whom It May Concern:

QuikTrip Corporation is seeking a variance from code section 3.20.016 – Monument Sign. The code reads:

For sites with one or more buildings whose cumulative total size is between five thousand (5,000) and twelve (12,000) square feet the maximum dimensions are as follows: Ninety-six (96) square feet of sign area, one hundred sixty (160) square feet of sign structure area and a maximum height of sixteen (16) feet if the site has frontage on Highway 71.

QuikTrip cannot adequately advertise its business to customers traveling on HWY 71 due to the sign limitations set by code for our building size. The allowable sign height for our location/building size would render the sign ineffective. Due to QuikTrip's building size (7,318sf), we are extremely limited on sign height & sign area (max height 16' / max sign area 160sf), due to the surrounding area's hardships; elevated highway overpass, exit ramps located a quarter of a mile from property and extreme topography surrounding our facility's location. With the improvements to HWY 71, this has not only elevated the highway 25' above our location, but has also shifted the exit points 1,500ft east and west of our property. This would mean that a customer would have to be able

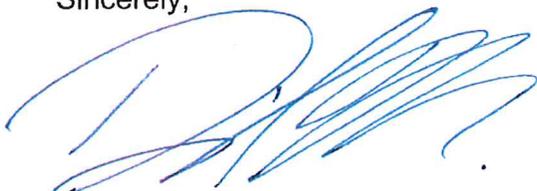
to see and recognize our facility and make a conscience/safe decision to exit a minimum of 1,500ft before our location, while traveling at 65MPH. With the current allowable sign heights, this is not attainable. Unfortunately, being in the convenience business, if a customer is unaware of our location until they have passed the exit, our site now becomes an inconvenience for the customer, which then results in the customer continuing their current route onto the next location that is more convenient. Furthermore, our site sits at the base of a 50' hill to our east, that further blocks the visibility from customers heading westbound on HWY 71.

In an effort to adequately advertise our business, with giving the customer the ability to make a decision in a timely/safe manner, QuikTrip proposes a 70' sign with a sign area of 222sf. By providing a sign with this height and sign area, it will then give the customer the proper visibility over the eastern adjacent 50' hill and will also provide the customer with the ability/time needed to make a safe decision to exit over a quarter of a mile beforehand. We believe that a sign of this height and size is cohesive with its location and surroundings.

The granting of this variance will in no way be detrimental to the public health, safety or welfare, nor create any harmful environmental consequences. The granting of this variance will not prevent the orderly development of other land within Bastrop, as there are numerous examples of similar signs throughout the City.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Meyer, Jr.', with a stylized flourish at the end.

David Meyer, Jr.
Real Estate Project Manager
QuikTrip Corporation – Austin Division

Attachment 4
70 foot tall from the west



Attachment 6
35 foot tall view from the west

35 foot tall



Attachment 7

CVS Sign
35 feet tall
103 sf sign face



CVS Sign
35 feet tall
103 sf sign face

EXIT
45
M.P.H.





STAFF REPORT

MEETING DATE: August 12, 2019

AGENDA ITEM: 3C

TITLE:

Public hearing and consider action on a variance to Article 3.20 – Signs, 3.20.015(13)(B)/3.20.016(4)(D)(ii) to allow an increase in sign height when 35 feet is the maximum height for a pylon sign, for 0.638 acres out of Building Block 119, East of Water Street, 0.602 acres out of Building Block 119, East of Water Street, 0.3190 acres, out of Building Block 118, East of Water Street, and 3.233 acres out of Trem Subdivision Phase 1, Block A, Lot 1, located at the southeast corner of State Highway 71 and Jackson Street.

STAFF REPRESENTATIVE:

Jennifer C. Bills, AICP, LEED AP, Assistant Planning Director

ITEM DETAILS:

Site Address: Southeast corner of State Highway 71 and Jackson Street (Attachment 1)

Total Acreage: 4.792 acres

Legal Description: 0.638 acres out of Building Block 119, East of Water Street, 0.602 acres out of Building Block 119, East of Water Street, 0.3190 acres, out of Building Block 118, East of Water Street, and 3.233 acres out of Trem Subdivision Phase 1, Block A, Lot 1

Property Owner: CL Thomas Holdings, LLC

Agent Contact: David Meyer, Jr./QuikTrip Corporation

Existing Use: Vacant/Undeveloped

Existing Zoning: C-1, Commercial 1

Future Land Use: Professional Services

BACKGROUND/HISTORY:

The applicant is requesting a variance to allow a 70-foot tall pylon sign, when the maximum height for a pylon sign is 35 feet (Attachment 3). This variance can be considered only if the variance to allow a pylon sign type for the site is approved. A monument sign up to 16 feet in height is allowed by-right. The applicable code sections are listed and bolded in the Policy Explanation.

The applicant is proposing to place the pylon sign at the corner of Jackson Street and State Highway 95. At this point the main lanes of the overpass are 25 feet in height. A sign of 35 feet would still be 10 feet taller than the overpass. Additionally, the property has a significant grade change of 30 feet as the property slopes up to the east, providing other locations on site that would have potentially better visibility above the main lanes of State Highway 71 from the east and south bound exits (Attachment 6).

PUBLIC NOTIFICATION:

Notifications were mailed to seven adjacent property owners on August 2, 2019 (Attachment 2). At the time of this report, no comments have been received.

POLICY EXPLANATION:

Article 3.20 - Signs

Section 3.20.006 – Definitions

Pole or pylon sign. Any sign that is mounted on a freestanding pole(s) or other support(s).

Monument sign. A monument sign is a sign attached to a contiguous structural base or berm, which base shall be of the same width as or greater width than the message portion of the sign, and is permanently affixed to the ground.

Sec. 3.20.016 - Sign dimensional standards by sign category

(4) *Pylon.*

(A) *Residential.* N/A.

(B) *Multifamily.* N/A.

(C) *Neighborhood services.* N/A.

(D) *Business.* For lots that have frontage on Highway 71 and where the cumulative size of one or more buildings on the lot is greater than twelve thousand (12,000) square feet. See section 3.20.015(13) for additional pylon sign criteria.

(i) Area:

a. Sign area: One hundred sixty (160) square feet.

b. Sign structure area: Two hundred forty (240) square feet.

(ii) Height: Thirty-five (35) feet.

(iii) Quantity: One per lot.

(iv) Spacing: One hundred (100) feet.

(2) *Monument.*

(A) *Residential.* N/A.

(B) *Multifamily.*

(i) Area: Twenty-four (24) square feet.

(ii) Height: Six (6) feet.

(iii) Quantity: One per street frontage. (iv) Spacing: Seventy-five (75) feet.

(C) *Neighborhood services.*

(i) Area: Twenty-four (24) square feet.

(ii) Height: Six (6) feet.

(iii) Quantity: One per street frontage.

(iv) Spacing: Seventy-five (75) feet.

(D) *Business.*

(i) Area and height:

b. For sites with one or more buildings whose cumulative total size is between five thousand (5,000) and twelve (12,000) square feet the maximum dimensions are as follows:

1. Forty-eight (48) square feet of sign area, eighty (80) square feet of sign structure area and a maximum height of eight (8) feet if the speed

limit of the road toward which the sign is oriented is less than forty (40) mph.

2. Sixty (60) square feet of sign area, one hundred twenty (120) square feet of sign structure area and a maximum height of twelve (12) feet if the speed limit of the road toward which the sign is oriented is forty (40) mph or greater.

3. Ninety-six (96) square feet of sign area, one hundred sixty (160) square feet of sign structure area and a maximum height of sixteen (16) feet if the site has frontage on Highway 71.

Chapter 14

9.6 - VARIANCES:

The Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only those conditions that it deems necessary to or desirable in the public interest. In making the findings hereinafter required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed use, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

1. Special circumstances or conditions exist which affect the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the land.

There are not special circumstance specific to this property that do not apply to other properties along State Highway 71. Additionally, the property topography provides additional elevation on the applicant's site above the main lanes of the highway on the east side of the property that affords more visibility than other property.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

The property can still be developed with a commercial use and have multiple building wall signs and monument signs that allow for the use of the property. Denial of the variance would not infringe of the substantial use of the property.

3. Granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area, and the spirit of the ordinance will be observed. Variances may be granted only when in harmony with the general purpose and intent of this ordinance.

Granting the variance my impact other properties in the area by blocking visibility or the views of existing or future development.

4. Granting of a variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this ordinance.

Granting the variance would not prevent the use of other land in the area.

5. Granting of a variance must be predicated on a finding that the applicant's practical difficulties or unnecessary hardship arise from unusual conditions or circumstances, such as exceptional irregularity of the land involved, which are not shared generally by other parcels in the neighborhood or district.

The property's location along State Highway 71 is not unique; many other sites are similarly situated beside the highway with visibility from the access road. Additionally, the slope on the east side of the property provides visibility above the main lanes of State Highway 71.

B. A variance is to be denied if conditions or circumstances relied on for a variance were created by a person having an interest in the property.

The applicant has not demonstrated valid conditions or circumstances to warrant a variance.

C. Financial hardship to the applicant, standing alone, shall not be deemed to constitute a hardship.

The applicant has not claimed a financial hardship for the variance request.

D. The applicant bears the burden of proof in establishing the facts justifying a variance.

The applicant has not demonstrated that all options for other signage have been explored and proven to be ineffective.

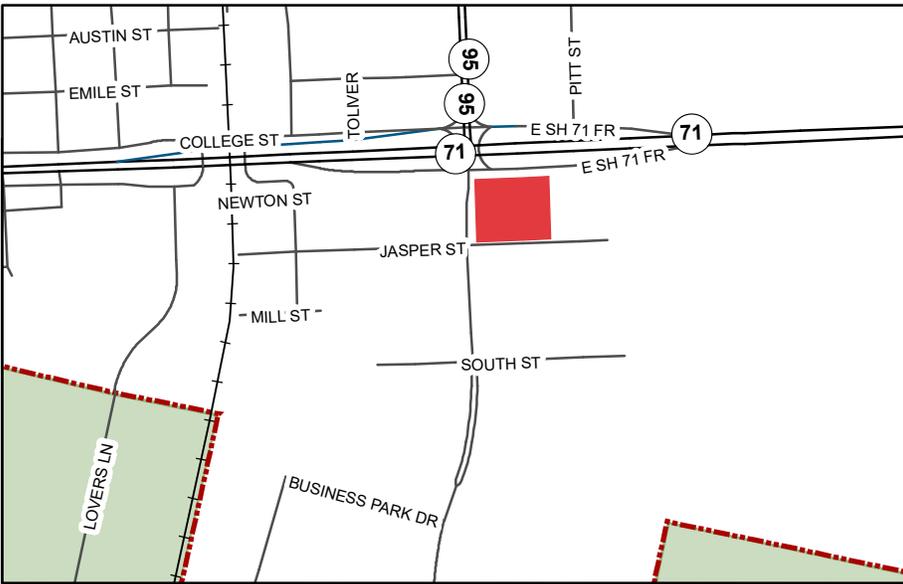
RECOMMENDATION:

Public hearing and consider action to **deny** a variance to Article 3.20 – Signs, 3.20.015(13)(B)/3.20.016(4)(D)(ii) to allow an increase in sign height when 35 feet is the maximum height for a pylon sign, for 0.638 acres out of Building Block 119, East of Water Street, 0.602 acres out of Building Block 119, East of Water Street, 0.3190 acres, out of Building Block 118, East of Water Street, and 3.233 acres out of Trem Subdivision Phase 1, Block A, Lot 1, located at the southeast corner of State Highway 71 and Jackson Street.

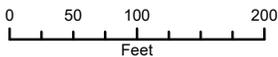
ATTACHMENTS:

- Attachment 1: Location Map
- Attachment 2: Surrounding Property Owner Notification
- Attachment 3: Letter from Applicant
- Attachment 4: View from the east
- Attachment 5: View from the west
- Attachment 6: Grading Plan and Sign Placement
- Attachment 7: Highway View August 7, 2019

Attachment 1 Location Map



Variances QuikTrip Sign Type, Height, and Area



1 inch = 150 feet



Date: 8/1/2019

The accuracy and precision of this cartographic data is limited and should be used for information /planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of any such information, nor does it represent that its use would not infringe upon privately owned rights.

**Notice of Request
City of Bastrop
Zoning Board of Adjustment**



Dear Property Owner:

The **Zoning Board of Adjustment** will conduct a public hearing on **August 12, 2019 at 6:00 p.m.** in the **City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas** to consider action on variances to Section 3.20 Signs:

- 3.20.016(4)(D) To allow a Pylon sign when the building size only allows a monument sign;
- 3.20.015(13)(B) / 3.20.016(4)(D)(ii) To allow an increase in sign height when 35 feet is the maximum height for a pylon sign;
- 3.20.015(13)(B) / 3.20.016(4)(D)(i)(a) To allow a sign face greater than the 160 square feet maximum.

For 0.638 acres out of Building Block 119, East of Water Street, 0.602 acres out of Building Block 119, East of Water Street, 0.3190 acres, out of Building Block 118, East of Water Street, and 3.233 acres out of Trem Subdivision Phase 1, Block A, Lot 1 within the city limits of Bastrop, Texas.

Owner/Applicant: QuikTrip

Legal Description: 0.638 acres out of Building Block 119, East of Water Street
0.602 acres out of Building Block 119, East of Water Street
0.3190 acres, out of Building Block 118, East of Water Street
3.233 acres out of Trem Subdivision Phase 1, Block A, Lot 1

The site location map and owner request letters are attached for reference.

As a property owner within 200 feet of the above referenced property, you are being notified of the upcoming meetings per the Bastrop Code of Ordinances Zoning Regulations.

For more information on this project, you can contact the Planning & Development office at (512) 332-8840, plan@cityofbastrop.org, or visit the office at 1311 Chestnut Street, Bastrop, Texas.



**PROPERTY OWNER'S
RESPONSE**

As a property owner within 200': (please check one)

- I am in favor of the request.
- I am opposed to the request.
- I have no objection to the request.

Property Owner Name: _____

Property Address: _____

Phone (optional): _____

Mailing Address: _____

Email (optional): _____

Property Owner's Signature: _____

Comments: (Optional)

RE: QuikTrip Signage

PLANNING & DEVELOPMENT



QuikTrip Corporation

AUSTIN DIVISION
1 Chisholm Trail Rd, Suite 450
Round Rock, TX 78681
704-604-3475

July 18, 2019

City of Bastrop
Zoning Board of Adjustments
1311 Chestnut Street
Bastrop, TX 78602

Re:

**QuikTrip # 4128 – SEC Hwy 71 & Jackson St.
Variance Request
3.20.016 (4) D (ii) – Sign Height**

To Whom It May Concern:

QuikTrip Corporation is seeking a variance from code section 3.20.016 – Monument Sign. The code reads:

- *(ii) Height: Thirty-five (35) feet.*

QuikTrip cannot adequately advertise its business to customers traveling on HWY 71 due to the sign limitations set by code for our building size. The allowable sign height for our location/building size would render the sign ineffective. Due to QuikTrip's building size (7,318sf), we are extremely limited on sign height & sign area (max height 35' / max sign area 160sf), due to the surrounding area's hardships; elevated highway overpass, exit ramps located a quarter of a mile from property and extreme topography surrounding our facility's location. With the improvements to HWY 71, this has not only elevated the highway 25' above our location, but has also shifted the exit points 1,500ft east and west of our property. This would mean that a customer would have to be able to see and recognize our facility and make a conscience/safe decision to exit a minimum of 1,500ft before our location, while traveling at 65MPH. With the current allowable sign heights, this is not attainable. Unfortunately, being in the convenience business, if a customer is unaware of our location until they have passed the exit, our

site now becomes an inconvenience for the customer, which then results in the customer continuing their current route onto the next location that is more convenient. Furthermore, our site sits at the base of a 50' hill to our east, that further blocks the visibility from customers heading westbound on HWY 71.

In an effort to adequately advertise our business, with giving the customer the ability to make a decision in a timely/safe manner, QuikTrip proposes a 70' sign with a sign area of 222sf. By providing a sign with this height and sign area, it will then give the customer the proper visibility over the eastern adjacent 50' hill and will also provide the customer with the ability/time needed to make a safe decision to exit over a quarter of a mile beforehand. We believe that a sign of this height and size is cohesive with its location and surroundings.

The granting of this variance will in no way be detrimental to the public health, safety or welfare, nor create any harmful environmental consequences. The granting of this variance will not prevent the orderly development of other land within Bastrop, as there are numerous examples of similar signs throughout the City.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Meyer, Jr.', with a large, stylized flourish at the end.

David Meyer, Jr.
Real Estate Project Manager
QuikTrip Corporation – Austin Division

Attachment 4
70 foot tall from the west



Attachment 6
35 foot tall view from the west

35 foot tall



Attachment 7

CVS Sign
35 feet tall
103 sf sign face



CVS Sign
35 feet tall
103 sf sign face

EXIT
45
M.P.H.





STAFF REPORT

MEETING DATE: August 12, 2019

AGENDA ITEM: 3D

TITLE:

Public hearing and consider action on a variance to Article 3.20 – Signs, 3.20.015(13)(B)/3.20.016(4)(D)(i)(a) to allow a sign face greater than the 160 square feet maximum for a pylon sign, for 0.638 acres out of Building Block 119, East of Water Street, 0.602 acres out of Building Block 119, East of Water Street, 0.3190 acres, out of Building Block 118, East of Water Street, and 3.233 acres out of Trem Subdivision Phase 1, Block A, Lot 1, located at the southeast corner of State Highway 71 and Jackson Street.

STAFF REPRESENTATIVE:

Jennifer C. Bills, AICP, LEED AP, Assistant Planning Director

ITEM DETAILS:

Site Address: Southeast corner of State Highway 71 and Jackson Street (Attachment 1)
Total Acreage: 4.792 acres
Legal Description: 0.638 acres out of Building Block 119, East of Water Street, 0.602 acres out of Building Block 119, East of Water Street, 0.3190 acres, out of Building Block 118, East of Water Street, and 3.233 acres out of Trem Subdivision Phase 1, Block A, Lot 1

Property Owner: CL Thomas Holdings, LLC
Agent Contact: David Meyer, Jr./QuikTrip Corporation

Existing Use: Vacant/Undeveloped
Existing Zoning: C-1, Commercial 1
Future Land Use: Professional Services

BACKGROUND/HISTORY:

The applicant is requesting a variance to allow a sign face of 222 square feet, which is a 62 square foot (38.75%) increase in size from the 160 square foot allowance under the pylon sign face requirements. The allowed type of sign for this business is a 96 square foot monument sign area (face) with up to 160 square feet of sign structure, that can be up to 16 feet in height. The applicable code sections are listed and bolded in the Policy Explanation.

For a variance to be granted, all of the conditions of Section 9.6 – Variances must be met. The analysis is included below.

PUBLIC NOTIFICATION:

Notifications were mailed to seven adjacent property owners on August 2, 2019 (Attachment 2). At the time of this report, no comments have been received.

POLICY EXPLANATION:

Article 3.20 - Signs

Section 3.20.006 – Definitions

Pole or pylon sign. Any sign that is mounted on a freestanding pole(s) or other support(s).

Monument sign. A monument sign is a sign attached to a contiguous structural base or berm, which base shall be of the same width as or greater width than the message portion of the sign, and is permanently affixed to the ground.

Sec. 3.20.016 - Sign dimensional standards by sign category

(4) *Pylon.*

(A) *Residential.* N/A.

(B) *Multifamily.* N/A.

(C) *Neighborhood services.* N/A.

(D) *Business.* For lots that have frontage on Highway 71 and where the cumulative size of one or more buildings on the lot is greater than twelve thousand (12,000) square feet. See [section 3.20.015](#)(13) for additional pylon sign criteria.

(i) **Area:**

a. Sign area: One hundred sixty (160) square feet.

b. Sign structure area: Two hundred forty (240) square feet.

(ii) Height: Thirty-five (35) feet.

(iii) Quantity: One per lot.

(iv) Spacing: One hundred (100) feet.

(2) *Monument.*

(A) *Residential.* N/A.

(B) *Multifamily.*

(i) Area: Twenty-four (24) square feet.

(ii) Height: Six (6) feet.

(iii) Quantity: One per street frontage. (iv) Spacing: Seventy-five (75) feet.

(C) *Neighborhood services.*

(i) Area: Twenty-four (24) square feet.

(ii) Height: Six (6) feet.

(iii) Quantity: One per street frontage.

(iv) Spacing: Seventy-five (75) feet.

(D) *Business.*

(i) Area and height:

b. For sites with one or more buildings whose cumulative total size is between five thousand (5,000) and twelve (12,000) square feet the maximum dimensions are as follows:

1. Forty-eight (48) square feet of sign area, eighty (80) square feet of sign structure area and a maximum height of eight (8) feet if the speed limit of the road toward which the sign is oriented is less than forty (40) mph.

2. Sixty (60) square feet of sign area, one hundred twenty (120) square feet of sign structure area and a maximum height of twelve (12) feet if the speed limit of the road toward which the sign is oriented is forty (40) mph or greater.

3. Ninety-six (96) square feet of sign area, one hundred sixty (160) square feet of sign structure area and a maximum height of sixteen (16) feet if the site has frontage on Highway 71.

Chapter 14

9.6 - VARIANCES:

The Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only those conditions that it deems necessary to or desirable in the public interest. In making the findings hereinafter required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed use, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

A. In order to grant a variance from these zoning regulations, the Board of Adjustments must make written findings that undue hardship exists, using the following criteria:

1. Special circumstances or conditions exist which affect the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the land.

There are not special circumstance specific to this property that do not apply to other properties along State Highway 71. Additionally, the property topography provides additional elevation on the applicant's site above the main lanes of the highway on the east side of the property that affords more visibility than other property.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

The property can still be developed with a commercial use and have multiple building wall signs and monument signs that allow for the use of the property. Denial of the variance would not infringe of the substantial use of the property.

3. Granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area, and the spirit of the ordinance will be observed. Variances may be granted only when in harmony with the general purpose and intent of this ordinance.

Granting the variance my impact other properties in the area by blocking visibility or the views of existing or future development.

4. Granting of a variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this ordinance.

Granting the variance would not prevent the use of other land in the area.

5. Granting of a variance must be predicated on a finding that the applicant's practical difficulties or unnecessary hardship arise from unusual conditions or circumstances, such as exceptional irregularity of the land involved, which are not shared generally by other parcels in the neighborhood or district.

The property's location along State Highway 71 is not unique; many other sites are similarly situated beside the highway with visibility from the access road. Additionally, the slope on the east side of the property provides visibility above the main lanes of State Highway 71.

B. A variance is to be denied if conditions or circumstances relied on for a variance were created by a person having an interest in the property.

The applicant has not demonstrated valid conditions or circumstances to warrant a variance.

C. Financial hardship to the applicant, standing alone, shall not be deemed to constitute a hardship.

The applicant has not claimed a financial hardship for the variance request.

D. The applicant bears the burden of proof in establishing the facts justifying a variance.

The applicant has not demonstrated that all options for other signage have been explored and proven to be ineffective.

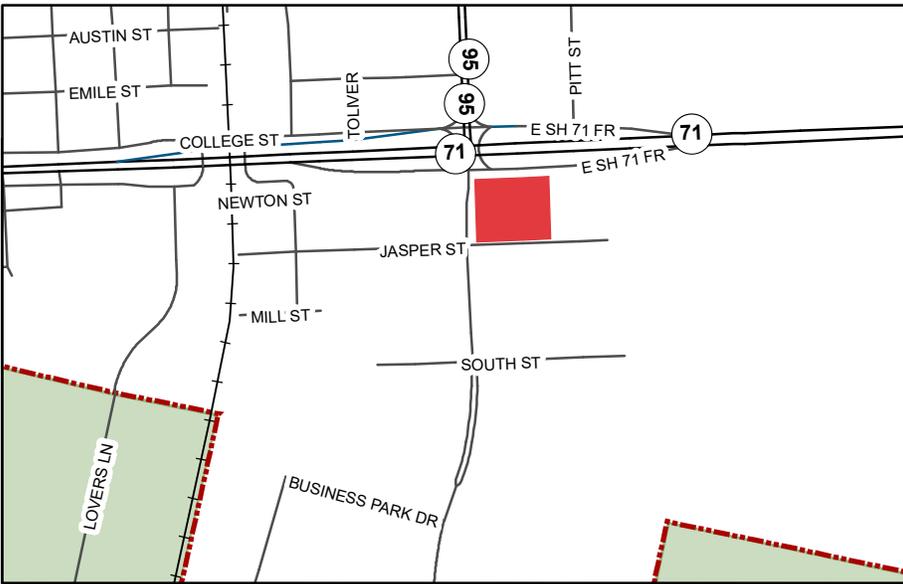
RECOMMENDATION:

Hold public hearing and consider action to **deny** a variance to Article 3.20 – Signs, 3.20.015(13)(B) / 3.20.016(4)(D)(i)(a) To allow a sign face greater than the 160 square feet maximum for a pylon sign, for 0.638 acres out of Building Block 119, East of Water Street, 0.602 acres out of Building Block 119, East of Water Street, 0.3190 acres, out of Building Block 118, East of Water Street, and 3.233 acres out of Trem Subdivision Phase 1, Block A, Lot 1, located at the southeast corner of State Highway 71 and Jackson Street.

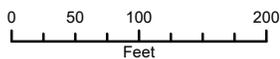
ATTACHMENTS:

- Attachment 1: Location Map
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Attachment 1 Location Map



Variances QuikTrip Sign Type, Height, and Area



1 inch = 150 feet



Date: 8/1/2019

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Zoning Board of Adjustment**



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The site location map and owner request letters are attached for reference.

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For more information on this project, you can contact the Planning & Development office at (512) 332-8840, plan@cityofbastrop.org, or visit the office at 1311 Chestnut Street, Bastrop, Texas.



**PROPERTY OWNER'S
RESPONSE**

As a property owner within 200': (please check one)

- I am in favor of the request.
- I am opposed to the request.
- I have no objection to the request.

Property Owner Name: _____
Property Address: _____
Phone (optional): _____
Mailing Address: _____
Email (optional): _____
Property Owner's Signature: _____

Comments: (Optional)

RE: QuikTrip Signage

PLANNING & DEVELOPMENT



QuikTrip Corporation

AUSTIN DIVISION
1 Chisholm Trail Rd, Suite 450
Round Rock, TX 78681
704-604-3475

July 18, 2019

City of Bastrop
Zoning Board of Adjustments
1311 Chestnut Street
Bastrop, TX 78602

Re:

**QuikTrip # 4128 – SEC Hwy 71 & Jackson St.
Variance Request
3.20.016 (4) D (i) – Sign Area**

To Whom It May Concern:

QuikTrip Corporation is seeking a variance from code section 3.20.016 – Monument Sign. The code reads:

- *(i) Area:*
 - a. *Sign area: One hundred sixty (160) square feet.*
 - b. *Sign structure area: Two hundred forty (240) square feet.*

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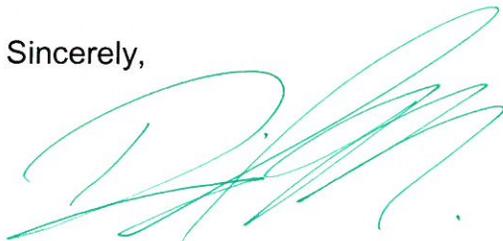
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The granting of this variance will in no way be detrimental to the public health, safety or welfare, nor create any harmful environmental consequences. The granting of this variance will not prevent the orderly development of other land within Bastrop, as there are numerous examples of similar signs throughout the City.

Thank you for your consideration.

Sincerely,

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David Meyer, Jr.
Real Estate Project Manager
QuikTrip Corporation – Austin Division

Attachment 4
70 foot tall from the west

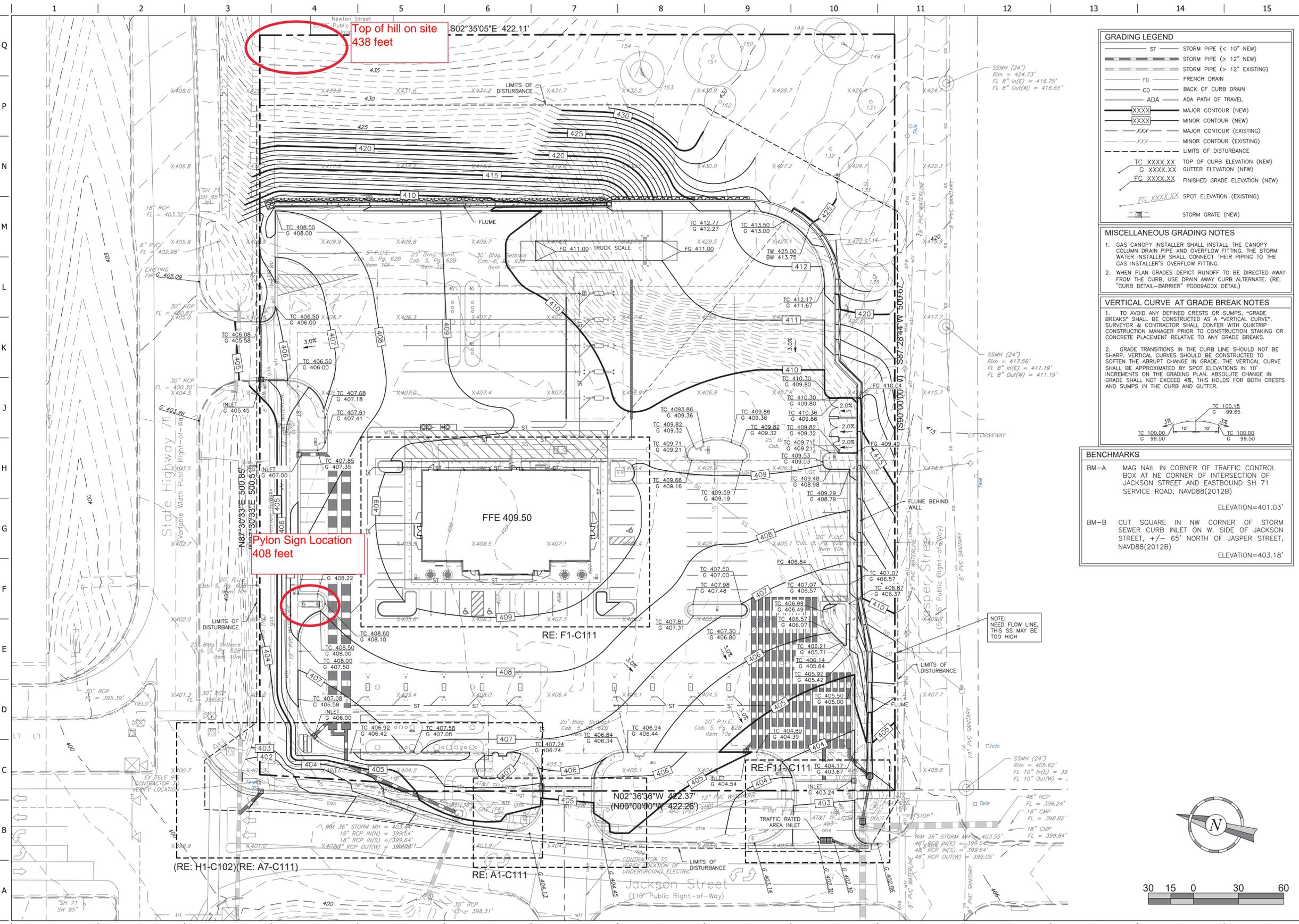


Attachment 6
35 foot tall view from the west

35 foot tall



FILE LOCATION: P:\2019\186-031-CADD\DWG\Plans\82-4128 Civil.dwg TAB NAME: Grading USER: rsmnulty SAVED: 6/2/2019 1:39 PM PLOTTED: 6/6/2019 2:01 PM



GRADING LEGEND

ST	STORM PIPE (< 10" NEW)
---	STORM PIPE (> 12" NEW)
---	STORM PIPE (> 12" EXISTING)
FD	FRENCH DRAIN
CD	BACK OF CURB DRAIN
ADA	ADA PATH OF TRAVEL
XXXX	MAJOR CONTOUR (NEW)
XXXX	MINOR CONTOUR (NEW)
XXX	MAJOR CONTOUR (EXISTING)
XXX	MINOR CONTOUR (EXISTING)
---	LIMITS OF DISTURBANCE
TC XXXX.XX	TOP OF CURB ELEVATION (NEW)
G XXXX.XX	GUTTER ELEVATION (NEW)
FG XXXX.XX	FINISHED GRADE ELEVATION (NEW)
FG XXXX.XX	SPOT ELEVATION (EXISTING)
---	STORM GRATE (NEW)

MISCELLANEOUS GRADING NOTES

1. GAS CANOPY INSTALLER SHALL INSTALL THE CANOPY COLUMN DRAIN PIPE AND OVERFLOW FITTING. THE STORM WATER INSTALLER SHALL CONNECT THEIR PIPING TO THE GAS INSTALLER'S OVERFLOW FITTING.
2. WHEN PLAN GRADES DEPICT RUNOFF TO BE DIRECTED AWAY FROM THE CURB, USE DRAIN AWAY CURB ALTERNATE. (RE: "CURB DETAIL-BARRIER" PD09A00X DETAIL)

VERTICAL CURVE AT GRADE BREAK NOTES

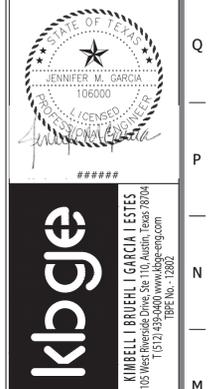
1. TO AVOID ANY DEFINED CRESTS OR SUMPS, "GRADE BREAKS" SHALL BE CONSTRUCTED AS A "VERTICAL CURVE". SURVEYOR & CONTRACTOR SHALL CONFER WITH QUIKTRIP CONSTRUCTION MANAGER PRIOR TO CONSTRUCTION STAKING OR CONCRETE PLACEMENT RELATIVE TO ANY GRADE BREAKS.
2. GRADE TRANSITIONS IN THE CURB LINE SHOULD NOT BE SHARP. VERTICAL CURVES SHOULD BE CONSTRUCTED TO SOFTEN THE ABRUPT CHANGE IN GRADE. THE VERTICAL CURVE SHALL BE APPROXIMATED BY SPOT ELEVATIONS IN 10' INCREMENTS ON THE GRADING PLAN. ABSOLUTE CHANGE IN GRADE SHALL NOT EXCEED 4%. THIS HELDS FOR BOTH CRESTS AND SUMPS IN THE CURB AND GUTTER.

BENCHMARKS

BM-A MAG NAIL IN CORNER OF TRAFFIC CONTROL BOX AT NE CORNER OF INTERSECTION OF JACKSON STREET AND EASTBOUND SH 71 SERVICE ROAD, NAVD88(2012B) ELEVATION=401.03'

BM-B CUT SQUARE IN NW CORNER OF STORM SEWER CURB INLET ON W. SIDE OF JACKSON STREET, +/- 65' NORTH OF JASPER STREET, NAVD88(2012B) ELEVATION=403.18'

NOTE: NEED FLOW LINE. THIS SS MAY BE TOO HIGH



kbge
 KIMBELLI BRUSH GARCIA TESTES
 105 Westwood Blvd., Suite 100
 Houston, TX 77056
 (512) 499-4000 www.kbge-eng.com
 TYPE No. 12802

QuikTrip No. 4128
 SEC HIGHWAY 71 & JACKSON STREET
 BASTROP, TX

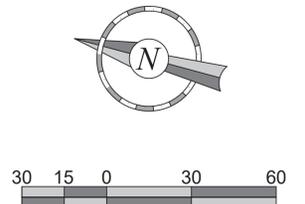
PROTOTYPE: P-97 (02/05/19)
 DIVISION:
 VERSION: 001
 DESIGNED BY: TSM
 DRAWN BY: SPM
 REVIEWED BY: WR

REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE: March 21, 2019

SHEET TITLE:
GRADING PLAN

SHEET NUMBER:
C110
09 of 67



Attachment 7

CVS Sign
35 feet tall
103 sf sign face



CVS Sign
35 feet tall
103 sf sign face

EXIT
45
M.P.H.

