

Zoning Board of Adjustments

August 5, 2020 Meeting Minutes

The City of Bastrop Zoning Board of Adjustments met Wednesday, August 5, 2020 at 6:00 p.m. online.

1. CALL TO ORDER

Patrick Connell called the meeting to order at 6:00 p.m.

Patrick Connell	Present
Gary Moss	Present
Jimmy Crouch	Present
Scot Robichaud	Present

2. CITIZEN COMMENTS

There were no citizen comments.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

- 3A. Consider action to approve meeting minutes from the May 6, 2020 Zoning Board of Adjustment Meeting.

Jimmy Crouch made a motion to recommended approval of the May 6, 2020 meeting minutes. Gary Moss seconded the motion and the motion carried unanimously.

- 3B. Public Hearing and consider action for the expansion of a Non-Conforming Site to add a 100-foot monopole communication tower at the same site of an existing 450-foot radio tower with adjacent equipment buildings, on 10.223 acres of Bastrop Town Tract A11, located at 2575 Cedar Street, within the City Limits of the City of Bastrop, Texas.

Jennifer Bills presented the information distributed in the Zoning Board of Adjustment Agenda Packet. She discussed the history of the site and the previous cell towers at that location.

Jennifer Bills discussed with the Board the notifications City Staff had sent out for the public hearing, and that a letter received from one of the surrounding property owners. Jennifer Bills stated Staff was recommending approval of the tower with the following conditions:

1. Applicant would Execute a Development Agreement with the City for the following:
 - a. Any future development beyond the scope approved by the Zoning Board of Adjustment will come into compliance with all Bastrop Building Block (B³) in effect at time of development.
 - b. Dedication of half (27.78 feet) of the right-of-way for Cedar Street along the northern property line.

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- c. The development process will be limited to the following with full review fees paid: Minor Plat with the right-of way dedication; Site Development Plan; and Building Permits.

The letter from the property owner at 2575 Cedar Street, Kristine Dugan, was read aloud for the record.

The Board discussed the purpose for the tower, which is to improve 911 communications.

Patrick Connell opened the Public Hearing.

The property owner at 2575 Cedar Street, Kristine Dugan, addressed the Board and further discussed her concerns that she listed in her letter. The Board asked if she would be more amenable to the proposed tower if a condition was put into place that ensured it would only be used for an emergency tower. She replied she would.

The property owner at 2575 Cedar Street, Matt Dugan, spoke before the Board stating he was not in favor of the proposed cell tower being placed on the adjacent property.

Patrick Connell closed the Public Hearing.

Discussion commenced between the Board and the Applicant (Steven Long). He answered questions for the Board including: explaining the reason for the request is because the current tower their equipment is one is at max capacity, the proposed timeline (2-3 years) to acquire a new tower location which would be owned by the County so they could permanently move their equipment to their own site, the logistics for the monopole being proposed on the current tower site, the dedication of Right-Of-Way between the City and the Property Owner, and the removal of the proposed monopole from the property in the future.

Further discussion commenced among the Board.

Scot Robichaud made a motion to recommend approval for the expansion of a Non-Conforming Site to add a 100-foot monopole communication tower at the same site of an existing 450-foot radio tower with adjacent equipment buildings, on 10.223 acres of Bastrop Town Tract A11, located at 2575 Cedar Street, within the City Limits of the City of Bastrop, Texas with the following requirements:

1. Any future development beyond the scope approved by the Zoning Board of Adjustment will come into compliance with all Bastrop Building Block (B³) Code Requirements in effect at time of development,
2. The property owner will be required to dedicate half (27.78 feet) of the right-of-way for Cedar Street along the northern property line,
3. The development process will be limited to the following with full review fees paid: Minor Plat with the right-of way dedication; Site Development Plan; and Building Permits,

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4. There will be no more than two dishes with supporting infrastructure allowed to be placed on the monopole,
5. The applicant is allowed to use this location for the monopole for five years starting on August 5, 2020, if the monopole is still operational in five years the applicant will need to come back before the Zoning Board of Adjustments to obtain approval for a continuance of use of the monopole at that location; and
6. The Applicant must have the monopole to completely removed from the site if they relocate their emergency communication to a new site prior to the five-year timeline set forth by the Zoning Board of Adjustments.

Gary Moss seconded the motion and the motion carried unanimously.

- 3C. Public Hearing and consider action to deny variances from the Bastrop Building Block (B³) Code, Chapter 8 – Sign, Article 8.3 (c) Band Signs for the number of signs, sign height, and letter height exceeding the maximums, on Beck, NHP & Prokop Subdivision, Section Two, Lot 1, located at 510 State Highway 71, within the City Limits of the City of Bastrop, Texas.

Jennifer Bills presented the information distributed in the Zoning Board of Adjustment Agenda Packet.

Some of the topics discussed included; if there was a meter sign code in place on the property (there is not), the transition between sign codes during the course of the project, the signage previously proposed by the applicant in their Conditional Use Permit Application, and the different sign allowances in each code.

Jennifer stated at this time Staff was not recommending approval of the variance requests:

1. To allow an increased number of allowed signs;
2. Increase the total square footage of sign allowed;
3. Increase the overall allowed height; and
4. Increase the letter height on each sign.

Matt Mathis, the Applicant, presented to the Board his rebuttal against the points stated by Staff as to why they were choosing to not recommend approval of the signs. His main point being he should be allowed utilize some of the former signage allowances in the sign previous code, which was in place when he started the project and had designed most of his signage according to the allowance in that code, and to accommodate the visibility reduction of this location due to the construction of the adjacent ER building.

The Board asked Jennifer if there would be a future plan to address the signage allowances in the new code for properties along the major thoroughfares, she sated this was currently in review with the Planning and Zoning Commission to determine if any changes need to be adopted.

Patrick Connell opened the Public Hearing.

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There were no comments from the public.

Patrick Connell closed the Public Hearing.

The Board stated the Applicant meet the following variance criteria:

1. Special or unique hardship because of the visibility of the property from public roads;
2. Hardship claim based on the physical features uniquely affecting the property on which a Sign is to be located;
3. Proposed Sign location, configuration, design, materials and colors are harmonious and work with the purpose of the intended location on Highway 71;
4. The Sign and its supporting structure is in architectural harmony with the surrounding Structures.
5. Mitigation measures related to the Sign in question or other Signs on the same Premises by not having a pylon built on the site and a monument sign not greater that six feet;
6. Demonstrated and documented correlation between the Variance and protecting the public health and safety is met by allowing the business to advertise in a manner that allows traffic time to safely access their site.

The Board stated for the record they wanted to make clear, due to the Applicant being caught between the old sign code when they started their project, and the newly adopted B3 Sign Code once they decided to apply for their sign, is the basis behind why the Zoning Board of Adjustments decided to make a compromise with the Applicant regarding their variance request. The Board also stated the concerns from the Applicant relating to life safety and traffic had also been factored into the basis behind their decision.

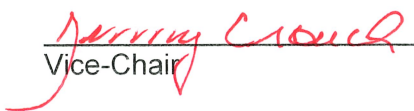
Jimmy Crouch made a motion to approve the variance and allow the Applicant to provide the signage as follows: the east side of the building as proposed but constructed as a non-illuminated sign with the size and color as proposed acceptable, signage on the front of the building facing north as proposed which will be illuminated in accordance with the recommendations made by the Development Review Committee Warrant, the proposed signage on the East side of the structure as is with the exception that the signage will be reduced in size by 25%, the monument sign or pylon sign limited to 6 ft. in height. Garry Moss seconded the motion and the motion carried unanimously.

4. ADJOURNMENT

Scot Robichaud made a motion to adjourn at 8:43 p.m.. Jimmy Crouch seconded the motion, and the motion carried unanimously.



Chair



Vice-Chair