

Municipal Sign Review Board

The Board of Adjustment met Wednesday, October 2, 2013 at 6:30 p.m. in the City Council Chambers, 1311 Chestnut Street, Bastrop, Texas.

1. Call to Order.

Dan Hays-Clark called the meeting to order at 6:30 p.m.

2. Roll call and confirmation of a quorum of Board members.

Blas Coy	- present
Michael Gibbons	- present
Herb Goldsmith	- present
Dan Hays-Clark	- present
Clifford Wright	- present

3. Citizen's comments.

There were no citizen's comments at this time.

4. Consideration and approval of the April 3, 2013 and May 23, 2013, Board of Adjustment meeting minutes.

Blas Coy made a motion to approve the April 3, 2013 meeting minutes with the write-in correction. Seconded by Michael Gibbons and the motion passed unanimously.

Clifford Wright made a motion to approve the meeting minutes of May 23, 2013. Seconded by Michael Gibbons and the motion passed unanimously.

5. The Board of Adjustment will adjourn its regular session and convene as the Municipal Sign Review Board.

6. **Public Hearing:** The Municipal Sign Review Board will Convene a Public Hearing on Sign Variance Request, MSRBV 13:05 as follows:

Variance to Sign Ordinance Section 3.20.016, entitled "Sign dimensional standards, by sign category"; subparagraph (4)D)(i)(a) "Business, Pylon, Sign Area," pursuant to which Code the maximum size of signs allowed is 160 square feet. The applicant, John Taylor, representing Buc-ee's LTD, has requested a variance to allow construction of a circular shaped, pylon sign with an area of ± 490.625 square feet. The pylon proposed will also hold an additional, second sign that is proposed to be placed directly below the top, circular sign which will add an additional ± 112.5 square feet of signage to the pylon, for a total of ± 603.125 square feet. The maximum height allowed for pylon signs, by City Code, is 35 feet, however, for the proposed pylon sign; the applicant is also seeking a variance to allow the sign to be 100 feet tall. The proposed sign is to be located in an area that is zoned "C-2, Commercial (heavy)," at 1700 Highway 71 East.

Ted Bowers addressed the Board stating the Applicant is requesting a variance from the City's Sign Code to install a 100 foot tall pylon sign in which two separate signs will be placed. He stated the top portion of the sign will be a circular sign of approximately

490.625 square feet that would identify Buc-ee's, and below that, Buc-ee's proposes to place a second, rectangle sign that would be \pm 112.5 square feet in area, resulting in a total sign area for this pylon sign of \pm 603.125 square feet. Mr. Bowers stated for businesses along Highway 71, the maximum sign area is limited to 160 square feet with a maximum height of 35 feet. He stated that Buc-ee's is a retail center located at 1700 Highway 71 and was built during 2011 and 2012, and opened for business in October of 2012. Mr. Bowers states at the time of construction, Buc-ee's requested their building wall signage, which was approved as submitted, in accordance with City Sign Codes.

While referencing photographs on the projection screen, Mr. Bowers stated the Buc-ee's store is situated away from the frontage of Highway 71, so that the Buc-ee's building cannot be seen until drivers on Highway 71 have crested a hill and are almost "right on top" of the intersection where the driver would need to turn off of the highway to enter Buc-ee's. There was some discussion between Mr. Bowers and Board members.

Mr. Bowers stated staff is proposing a pylon sign that would be taller than 35 feet, but less than 100 feet, and that the total sign area allowed for the two signs on the pylon to not exceed 290 square feet. He also stated staff would recommend the addition of a condition that Staff re-evaluate the status of this sign every two (2) years, and/or if the surrounding terrain is ever developed in a manner that eliminates the dense tree line.

Mr. John Taylor addressed the Board and speaks of the history of Buc-ee's and referenced a slide presentation to the Board on the projection screen. Mr. Taylor spoke of customer complaints stating the lack of visibility of their local store, until the driver is 'right on top' of it and the difficulty trying to maneuver into the appropriate lanes to turn into the store. He stated this is partially due to the heavy tree-line located on the property before the Buc-ee's store.

Several discussions were held between the Applicant, Staff and Board members in reference to Buc-ee's store in other cities, the illumination of the proposed sign, as well as the lack of visibility.

Ruth Jansa, a local business owner, addressed the Board stating the first thing a business owner does is look into the proposed signage options. Ms. Jansa stated she feels a 100-foot sign would take away from the beauty of our community and is the reason we have a sign code. Ms. Jansa is opposed to the placement of this sign.

Martha Granger addressed the Board stating she is opposed to the 100-foot sign as well stating the City does not want to set precedence for other businesses coming to Bastrop. She also stated she felt Buc-ee's was granted a tax abatement and in return, they were supposed to have a 'visitor's center' inside the local store but has not done so to date.

Mr. Talbot addressed the Board and audience stating the City did not grant the tax abatement to Buc-ee's, that it was Bastrop Economic Development Corporation that did.

Charlie Amos addressed the Board stating his opposition to the proposed sign of three times the height limit and four times the allowed size, stating this is a marketing issue and not an ordinance issue. Mr. Amos discussed a previous sign across the highway that blew down in high winds a few years ago, and if that were to happen, it would be very detrimental. He also stated the store is off-set from the highway and that he feels

Buc-ee's knew of the City's sign regulations when they decided to build a store here. Mr. Amos feels Buc-ee's can achieve their goals without this proposed sign.

Mr. Gregg Wingart addressed the Board on behalf of Buc-ee's stating this proposed sign is standard for most all their stores and that it would stand up to the wind loads in this area.

Mr. Bowers reiterated that Staff would recommend a pylon sign less than 100 feet, and the total sign area to not exceed 290 square feet with re-evaluation every two (2) years or if the surrounding terrain were developed, that the sign be lowered to meet the City's standards. Several discussions were held between Staff, the Board members and the Applicant.

Dan Hays-Clark closed the public hearing.

Herb Goldsmith made a motion to deny the variance request based on the following findings:

1. There is no undue hardship and special circumstances that exist which affect the land and development involved. The owner is not deprived of the ability to advertise the business or product. Both the intersection and trees were present before and during the development of the site. It is now only presented as an issue due to some customer feedback. They already advertise at 9 miles (Potty time), 6 miles (Buc stops here) and 3 miles (Turn right). Regarding their analysis of lane change issues, this is more speculation and non-expert opinion than fact. If there were a safety issue, it is a matter for TxDot and law enforcement, not Buc-ee's marketing. Each driver is responsible for appropriately preparing for and making any lane changes. 100 foot sign will not compensate for poor driving behavior. In terms of notifying drivers of Buc-ee's, there are alternatives.
2. There is not the presence of unusual conditions or circumstances which require a variance. The landscape, traffic pattern and intersection were present before Buc-ee's chose the land and did not change during its development. They admittedly did not address their perceived potential sign problem during the site's design and implementation.
3. The perceived hard ship was created by Buc-ee's by not recognizing the issue during the design and the building of the site. They chose the current sign configuration.

There are solutions and in this case a more appropriate compromise may be using a Logo and Directional sign through TxDot that will allow the branding and appropriate notice to drivers that a right turn is pending if they wish to shop at Buc-ee's.

Seconded by Clifford Wright and the motion passed unanimously with conditions listed above. The members voted as follows:

Blas Coy	To deny
Dan Hays-Clark	To deny
Michael Gibbons	To deny
Clifford Wright	To deny
Herb Goldsmith	To deny

7. The Municipal Sign Review Board will adjourn as the Municipal Sign Review Board and will reconvene into regular Board of Adjustment session.

8. Director's Report.

It was stated there will be a Board meeting next month on November 6, 2013.

9. Adjourn.

Blas Coy made a motion to adjourn. Seconded by Clifford Wright and the meeting adjourned at 7:25 p.m.



Dan Hays-Clark, Chair