

# Bastrop Zoning Board of Adjustments Agenda

Bastrop City Hall City Council Chambers

1311 Chestnut Street

Bastrop, TX 78602

(512) 332-8800



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October 26, 2022

## Agenda - Zoning Board of Adjustments at 6:00 PM

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*Bastrop Zoning Board of Adjustments meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at (512) 332-8800 or write 1311 Chestnut Street, 78602, 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.*

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**1. CALL TO ORDER**

**2. CITIZEN COMMENTS**

*At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance wishing to address the Board/Commission must complete a citizen comment form and give the completed form to the Board/Commission Secretary prior to the start of the Board/Commission meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, the Board/Commission cannot discuss issues raised or make any decision at this time. Instead, the Board/Commission is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City Manager for research and possible future action.*

*It is not the intention of the City of Bastrop to provide a public forum for the embarrassment or demeaning of any individual or group. Neither is it the intention of the Board/Commission to allow a member of the public to slur the performance, honesty and/or integrity of the Board/Commission, as a body, or any member or members of the Board/Commission individually or collectively, or members of the City's staff. Accordingly, profane, insulting or threatening language directed toward the Board/Commission and/or any person in the Board/Commission's presence will not be tolerated.*

**3. ITEMS FOR INDIVIDUAL CONSIDERATION**

**3A.** Consider action to approve the meeting minutes from August 3, 2022 Zoning Board of Adjustment meeting.

**3B.** Public Hearing and consider action to deny variances from the Bastrop Building Block (B<sup>3</sup>) Code, Chapter 8 – Sign, Signs, Section 8.1009 (3) Large Freestanding Sign types and Article 8.3 (L) Pole Signs to allow digital price numbers on an existing sign, on

Nancy Blakey Survey, Abstract 98, Acres 0.380, located at 521 W SH 71, within the City Limits of the City of Bastrop, Texas.

#### **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](http://www.cityofbastrop.org) and said Notice was posted on the following date and time: Tuesday, October 18, 2022 at 6:00 p.m. and remained posted for at least two hours after said meeting was convened.

/s/ Jennifer C. Bills  
Jennifer C. Bills, Director of Planning & Development



# STAFF REPORT

**MEETING DATE:** October 26, 2022

**TITLE:**

Consider action to approve meeting minutes from the August 3, 2022 Zoning Board of Adjustment Meeting.

**STAFF REPRESENTATIVE:**

Nicole Peterson, Planning Technician

**ATTACHMENTS:**

Meeting Minutes



# Zoning Board of Adjustment

## August 3, 2022 Meeting Minutes

The City of Bastrop Zoning Board of Adjustment met Wednesday, August 3, 2022, at 6:00 p.m. in the Council Chambers located at 1311 Chestnut Street, Bastrop, Texas 78602.

### 1. CALL TO ORDER

Scot Robichaud called the meeting to order at 6:00 p.m.

#### Board Members:

Scot Robichaud	Present
Gary Moss	Present
Jeffery Haladyna	Present
Richard Smarzik	Present
Scott Long	Present

#### Staff Present:

Jennifer C. Bills, Director of Planning and Development  
Nicole Peterson, Planning Technician

### 2. CITIZEN COMMENTS

There were no comments from citizens.

### 3. ITEMS FOR INDIVIDUAL CONSIDERATION

- 3A. Consider action to approve meeting minutes from the June 1, 2022, Zoning Board of Adjustment Meeting.

Gary Moss made a motion to approve the June 1, 2022, Zoning Board of Adjustment Meeting. Jeffrey Haladyna seconded the motion and the motion carried unanimously.

- 3B. Public Hearing and consider action to deny a variance from the Bastrop Building Block(B<sup>3</sup>) Code, Chapter 8 – Signs, Article 8.3 (b) Band Signs for the number of signs allowed per building, on Main and Spring Subdivision, Lot 2, Acres 0.588, located at 712 Spring Street, within the City Limits of the City of Bastrop, Texas.

The Director of Planning, Jennifer Bills, presented the variance request from the Bastrop Building Block(B<sup>3</sup>) Code, Chapter 8 – Signs, Article 8.3 (b) Band Signs for the number of signs allowed per building, on Main and Spring Subdivision, Lot 2, Acres 0.588, located at 712 Spring Street to the Board Members.

David Lapp, Senior Project Manager with Level 5 LLC, spoke with the board members about the sign variances that were approved in the past. He stated that he believes they have a special occasion given the sign ordinance does not have a specific description for the proposed sign type.

Discussion commenced between the Board Members and David Lapp over the following topics:

- Does the parking lot belong to the City?
  - Yes, it is a city-owned parking lot.

# Zoning Board of Adjustment

## August 3, 2022 Meeting Minutes

2. How large is the parking lot?
  - It has about 30 parking spaces.
3. Are the lights that are currently on the building for this sign?
  - Yes, the applicant had it listed on the plans but there was a misunderstanding that we were not allowed to have both signs.

Reid Sharp, spoke on behalf of First National Bank and read a letter out loud stating the First National Bank stating the history of the bank, its contributions to the community, and why the sign should be approved.

Discussion commenced between Board Members and Reid Sharp over the following topics:

1. How much money did it cost to build this new building?
  - It was roughly \$44.00 per square foot so about 2.3 million dollars.
2. Did the amount also include the cost for the land?
  - No, the land was already paid for.

Discussion commenced between Board Members and Staff over the following topics:

1. When will signs be an item for discussion with the Planning and Zoning Commission?
  - It depends on City Council; at this time, we would have to outsource to re-write the code and make sure there are funds allocated in the budget.
2. Would this be considered a corner lot if they gas station was not there?
  - Yes, if the ATM gas station was not there it would be considered a corner lot.
3. If Vibe Tribe and Body Toners were to be sold, could other businesses go in there?
  - Yes, they could put other businesses in there.

Scot Robichaud opened the public hearing at 6:28 p.m.

There were no comments or questions from citizens.

Scot Robichaud closed the public hearing at 6:28 p.m.

Scot Robichaud made a motion to approve the variance from the Bastrop Building Block(B<sup>3</sup>) Code, Chapter 8 – Signs, Article 8.3 (b) Band Signs for the number of signs allowed per building, on Main and Spring Subdivision, Lot 2, Acres 0.588, located at 712 Spring Street, within the City Limits of the City of Bastrop, Texas. Richard Smarzik seconded the motion and the motion carried 4-1 with Scott Long opposed to the motion.

- 3C. Public Hearing and consider action to deny variances from the Bastrop Building Block (B<sup>3</sup>) Code, Chapter 8 – Sign, Signs, Section 8.1009 (3) Large Freestanding Sign types and Article 8.3 (L) Pole Signs to allow digital price numbers on an existing sign, on Nancy Blakey Survey, Abstract 98, Acres 0.380, located at 521 W SH 71, within the City Limits of the City of Bastrop, Texas.

The Director of Planning, Jennifer Bills, presented the variance request from the Bastrop Building Block (B<sup>3</sup>) Code, Chapter 8 – Sign, Signs, Section 8.1009 (3) Large Freestanding Sign types and Article 8.3 (L) Pole Signs to allow digital price numbers on an existing sign, on Nancy Blakey Survey, Abstract 98, Acres 0.380, located at 521 W SH 71, within the City Limits of the City of Bastrop to the Board Members.

# Zoning Board of Adjustment

## August 3, 2022 Meeting Minutes

She stated the applicant is requesting a digital sign, but the current code does not allow for digital signage.

Discussion commenced between the Board Members and Staff over the following topics:

1. Is the current sign in compliance with the code?
  - Yes, the current sign is in compliance with the code.
2. The applicant is asking for the same size sign, and they would just like to have it be a digital sign?
  - Yes, it would be a blinking sign that would change with the different gas prices.
  - The current digital signs they have on the canopy now are considered a legal non-conforming sign.
3. The Board asked if the applicant is stating the hardship is due to the visibility of the sign, and is the applicant would be allowed to bring the sign closer to the street and further to the west?
  - Staff responded further research would need to be conducted because there is a possibility that a detention pond is on the other corner of this lot.
4. Would the city consider relocating the currently illuminated signs on their canopy?
  - Yes, the city could consider moving the signs on the canopy.
5. Would it take re-writing the sign code for this type of sign to be considered?
  - Yes, currently there is a dark sky ordinance in place which restricts outdoor lighting from shining up or out. The city also has color temperature requirements and a maximum lumen output per site.

Scot Robichaud opened the public hearing at 7:02 p.m.

There were no comments or questions from citizens.

Scot Robichaud closed the public hearing at 7:03 p.m.

Richard Smarzik made a motion to deny the variance as stated for the Bastrop Building Block (B<sup>3</sup>) Code, Chapter 8 – Sign, Signs, Section 8.1009 (3) Large Freestanding Sign types and Article 8.3 (L) Pole Signs to allow digital price numbers on an existing sign, on Nancy Blakey Survey, Abstract 98, Acres 0.380, located at 521 W SH 71, within the City Limits of the City of Bastrop, Texas. Gary Moss seconded the motion and the motion carried unanimously.

#### 4. ADJOURNMENT

Richard Smarzik made a motion to adjourn the meeting at 7:04 pm. Gary Moss seconded the motion and the motion carried unanimously.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Vice-Chair



# STAFF REPORT

**MEETING DATE:** October 26, 2022

**TITLE:**

Public Hearing and consider action to deny variances from the Bastrop Building Block (B<sup>3</sup>) Code, Chapter 8 – Sign, Signs, Section 8.1009 (3) Large Freestanding Sign types and Article 8.3 (L) Pole Signs to allow digital price numbers on an existing sign, on Nancy Blakey Survey, Abstract 98, Acres 0.380, located at 521 W SH 71, within the City Limits of the City of Bastrop, Texas.

**STAFF REPRESENTATIVE:**

Jennifer C. Bills, AICP, LEED AP, Director of Planning & Development

**ITEM DETAILS:**

Site Address:	521 State Highway 71 (Attachment 1)
Total Acreage:	0.38 acres
Legal Description:	Nancy Blakey Survey, Abstract 98
Property Owner:	Startex First Equipment LP
Agent Contact:	Lee Simmons/Husch Blackwell
Existing Use:	Gas Station/Convenience Store
Existing Place Type Zoning:	P-5 Core
Character District:	District 71
Future Land Use:	General Commercial

**BACKGROUND/HISTORY:**

The applicant is requesting a variance to allow a sign type that is not permitted under the adopted Chapter 8 – Signs.

The Bastrop Building Block (B<sup>3</sup>) Code was adopted on November 12, 2019. Under the prior code, digital signage was allowed as a sign type with specific standards. Nine months after the adoption, the property owner applied for a new pylon sign with static price signage that conforms to the adopted Code. The property owner is now requesting a digital sign. The property owners failed to file for a permit to obtain a digital sign before the code was revised to disallow digital signs, which is not an eligible criterion for requesting a variance. The applicant has stated that competitors such as HEB and Buc-ee's have digital signs that put them at a disadvantage. While HEB does have legal non-conforming digital signs, Buc-ee's does not have any digital signs or any signs advertising gas prices. The other primary reason for the variance stated by the applicant is that an off-site tree obscures the sign but changing the sign type does not remedy that situation. Similarly, the Shell station east of this property at 513 W SH 71, is also obscured by a tree, which has not provided better visibility (Attachment 5).

The sign in which the variance is being applied for is the same pylon sign that the property owners submitted and received a permit for a sign that met the code in 2020 (Attachment 4).

Per Section 2.4.003 Zoning Board of Adjustments (ZBA) (d) Limitations of Authority of the ZBA:  
 (1) The ZBA cannot grant a variance authorizing a use or a building type other than those permitted in the Place Type Zoning district, unless it is a nonconforming use or structure. In this case, the sign is not a nonconforming structure, and a digital sign is not a sign type allowed in the P5 Core Place Type Zoning District.

**PUBLIC NOTIFICATION:**

A newspaper notice was placed on October 14, 2022. Notifications were mailed to 5 adjacent property owners on October 3, 2022. At the time of this report, two comments have opposed to the variance have been received (Attachment 7).

**POLICY EXPLANATION:**

The Bastrop Building Block (B<sup>3</sup>) Code was adopted on November 12, 2019 and include Chapter 8 Signs. The applicant is asking for a variance to allow a sign face type which is not allowed in the two following standards:

Section 8.1.009 Signs Requiring a Permit (b) Freestanding Signs

(3) Large Freestanding Sign Types:

- A. Monument Sign
- B. Pylon/Pole Sign

(4) General Requirements:

- A. Size: Cannot have a ratio of less than 4:1 sign width to narrowest width of support structure. Must follow standards in Article 8.3.
- B. Number. One Sign per street frontage of a lot.
- C. Illumination: Large Freestanding Signs may only be externally illuminated unless approved by Warrant or located within the SH 71/SH 95/Loop 150 Corridors.
  - i. External lighting shall be directly directed down toward the Sign and shielded so that it does not shine directly into a public right-of-way and does not interfere with the safe vision of motorists or people passing by. All Standards must meet the City's Code.
  - ii. Internal illumination shall not operate at brightness levels of more than 0.2 foot-candles above ambient light conditions at the property line, as measured using a foot-candle meter. The total lumen output of all signs cannot exceed 10% of the total lumen allowance in Section 6.6 – Outdoor Lighting.

Article 8.3 L) Pylon/Pole Sign

- d. Quantity: 1 max per Frontage
- e. Height: 35 ft max in P5 on SH71
- f. Max Height to width ratio: 4:1



Description: A Sign permanently affixed to the ground at its base by a single- or double-poles, that are enclosed by a base of natural stone, stucco, brick, or wood and not mounted to a part of a Building. Only allowed in State Highway 71 & SH 95

i. How to Measure:

(1) Maximum total Height is measured from the finished grade at the center of the Sign. If the finished grade at the center of the Sign is higher than the finished grade of the closest paved surface, then the Height shall be measured from the finished grade of the closest paved surface.

(2) The pylon/pole base shall be a maximum of 2 feet in Height and shall be included in the calculation of total Height.

ii. The max Height allowed along SH 71 is 35 feet.

iii. The max Height allowed along Loop 150 and SH 95 is 20 feet.

iv. Signs along SH 71, SH 95 and Loop 150 can be internally illuminated.

v. Only allowed in a Sign Corridor and not allowed if Band Sign exceeds 4 feet in height.

vi. Cannot be located within a Sight Triangle.

Section 8.2.003 Variances

(d) The ZBA may decide, subject to appropriate conditions, and only after a finding based on the evidence presented that strict compliance with the requirements of this Code will result in substantial undue hardship, sufficient mitigation, or inequity to the applicant without sufficient corresponding benefit to the City and its citizens in accomplishing the objectives of this Chapter.

The Sign Administrator and ZBA shall consider:

(1) Special or unique hardship because of the size or shape of the property on which the Sign is to be located, or the visibility of the property from public roads. *Other sites along SH 71 have trees that obscure signage at points along the frontage road.*

(2) Hardship claim based on the exceptional topographic conditions or physical features uniquely affecting the property on which a Sign is to be located. *The applicant is claiming a hardship from an offsite tree that is obscuring the view of the sign for west bound traffic on the frontage road. Changing the sign face type would not change this condition.*

(3) Proposed Sign location, configuration, design, materials and colors are harmonious. *The sign code does not allow digital signage of any kind and the Outdoor Lighting code requires shielding of all outdoor lighting so that there is no exposed light elements. Digital signs increase unshielded lighting.*

(4) The Sign and its supporting structure are in architectural harmony with the surrounding Structures. *The existing sign is conforming and in architectural harmony with the existing building.*

- (5) Mitigation measures related to the Sign in question or other Signs on the same Premises.  
*The applicant has proposed removing the existing digital sign on the west side of the canopy, but the installation of digital signs on both sides of the pole sign would double the amount of not allowed digital signs.*
- (6) Demonstrated and documented correlation between the Variance and protecting the public health and safety.  
*Granting a variance does not provide any additional protection to public health or safety.*
- (7) Whether the Sign could have been included in a Master Sign Plan. Master Sign plans are highly encouraged. The City will be more inclined to favorably consider a Variance request when the Variance is part of a Master Sign Plan. There will be a presumption against granting variances piecemeal, ad hoc, on a case-by-case basis when the Sign for which a Variance is sought could have been included in a Master Sign Plan and considered in the course of a comprehensive review of the entire Project's signage.  
*This is a single business site. A Master Sign Plan would not be appropriate in this instance.*
- (8) The Sign Administrator may authorize the remodeling, renovation, or alteration of a Sign when some nonconforming aspect of the Sign is thereby reduced.  
*The existing pole sign is currently conforming and was permitted under the currently adopted sign code.*

Per Texas Local Government Section 211.009 the board may consider the following grounds as a hardship:

- (1) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;  
*The applicant has not provided any data that meets this criterion. The applicant has provided data since 2016 that show varying sales. In this time frame, additional gas stations (Buc-ee's and Quiktrip) have been constructed (neither of which have digital signs).*
- (2) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;  
*Not applicable.*
- (3) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;  
*Not applicable.*
- (4) compliance would result in the unreasonable encroachment on an adjacent property or easement; or  
*Not applicable.*
- (5) the municipality considers the structure to be a nonconforming structure.  
*The current pole sign is conforming structure that was permitted after the B<sup>3</sup> Code adoption.*

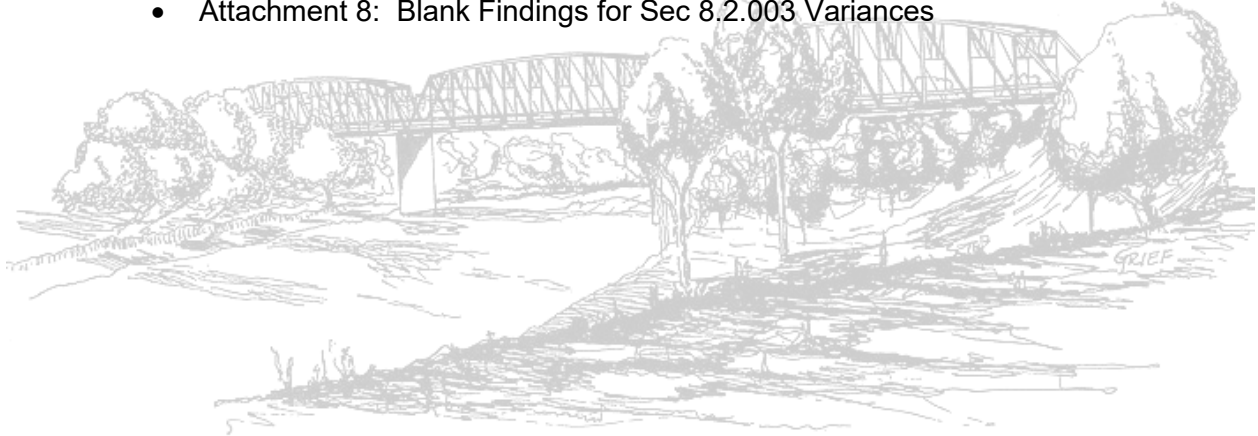
A blank findings form has been included if the Board would like to make their own findings for approval (Attachment 8).

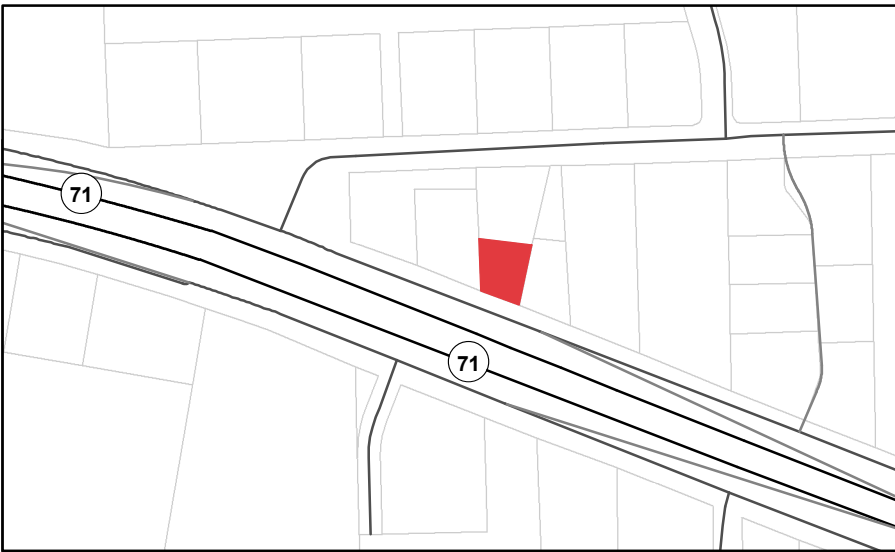
**RECOMMENDATION:**

Public Hearing and consider action to deny variances from the Bastrop Building Block (B<sup>3</sup>) Code, Chapter 8 – Sign, Signs, Section 8.1009 (3) Large Freestanding Sign types and Article 8.3 (L) Pole Signs to allow digital price numbers on an existing sign, on Nancy Blakey Survey, Abstract 98, Acres 0.380, located at 521 W SH 71, within the City Limits of the City of Bastrop, Texas.

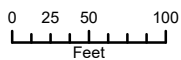
**ATTACHMENTS:**

- Attachment 1: Location Map
- Attachment 2: Letter from Applicant
- Attachment 3: Applicant Submittal
- Attachment 4: Permitted Pylon Sign 2020
- Attachment 5: 513 W SH 71 – Shell Station Sign
- Attachment 6: Notice to Property Owners
- Attachment 7: Bastrop Building Block (B<sup>3</sup>) Code Band Sign Requirement
- Attachment 8: Blank Findings for Sec 8.2.003 Variances





## 521 W. State Highway 71 Sign Variance



1 inch = 125 feet

Date: 7/22/2022

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 information, nor does it represent that its use will not infringe upon privately owned rights.



**Lee Simmons**  
Associate

111 Congress Avenue, Suite 1400  
Austin, Texas 78701  
Direct: 512.479.1166  
Fax: 512.479.1101  
lee.simmons@huschblackwell.com

August 29, 2022

**VIA MyGOV**

Bastrop Board of Adjustment  
1311 Chestnut Street  
Bastrop, TX 78602

Re: Sign Variance Application

Dear Chair and Board Members:

I write on behalf of the applicant, V&S Enterprises, to inform you of a new sign variance application for 521 West SH 71 we intend to submit for consideration by the Board of Adjustment.

We request a variance allowing digital signage on an existing sign for the following reasons:

- (1) Special or unique hardship because of the size or shape of the property on which the Sign is to be located, or the visibility of the property from public roads.

The visibility of the sign is impaired by its close proximity to nearby competitors that have digital signs, including HEB and Buc-ee's.

- (2) Hardship claim based on the exceptional topographic conditions or physical features uniquely affecting the property on which a Sign is to be located.

The sign is partially blocked to oncoming traffic by an existing tree. While the applicant does not wish to relocate the sign, they believe digital price numbers would help alleviate this challenge.

- (3) Proposed Sign location, configuration, design, materials and colors are harmonious.

The applicant proposes only to add digital pricing to the sign, and has no intention of relocating or reconfiguring the sign (see Exhibit 1).

- (4) The Sign and its supporting structure is in architectural harmony with the surrounding Structures.

The sign and supporting structure remain architecturally harmonious with surrounding structures. Adding digital pricing would not render the sign out of harmony with surrounding structures, since the gas station's canopy includes digital price numbers and surrounding competitors include digital price numbers.

- (5) Mitigation measures related to the Sign in question or other Signs on the same Premises.

The applicant is willing to remove the digital price numbers from the gas station's canopy in return for a variance allowing digital price numbers on the sign.

- (6) Demonstrated and documented correlation between the Variance and protecting the public health and safety.

An approved variance would cause no risk to public health and safety since the sign would not be relocated or enlarged.

- (7) Whether the Sign could have been included in a Master Sign Plan. Master Sign plans are highly encouraged. The City will be more inclined to favorably consider a Variance request when the Variance is part of a Master Sign Plan. There will be a presumption against granting variances piecemeal, ad hoc, on a case-by-case basis when the Sign for which a Variance is sought could have been included in a Master Sign Plan and considered in the course of a comprehensive review of the entire Project's signage.

The sign is the only sign on the gas station site and therefore is not part of a master sign plan.

- (8) The Sign Administrator may authorize the remodeling, renovation, or alteration of a Sign when some nonconforming aspect of the Sign is thereby reduced having an interest in the property.

The applicant proposes to restore the sign to pre-2019 code change compliance that would have allowed for digital price numbers. The alteration would furthermore bring the sign to better architectural harmony with surrounding competition, many of which have existing digital signs.


Bastrop's new sign code impairs the applicant's ability to market the gas station at a commercially reasonable level, due to the nature of the adjacent roadways impairing the view of the station's signage. We believe this variance request is reasonable because nearby gas stations have similar digital signs, and granting the variance would not alter the area character since this is a highly commercial area next to a major divided roadway.

Finally, recent changes to state law allow the Board of Adjustment to consider economic loss as a hardship. I believe such a consideration would be appropriate in this case, as the applicant can demonstrate year-over-year fuel volume sales declines and resulting rental deferrals (see Exhibit 2). The previous code would have allowed the sign permit the applicant

seeks; however, the contractor unfortunately failed to apply for the permit before the code was changed. Thank you for your consideration.

Very truly yours,

HUSCH BLACKWELL LLP

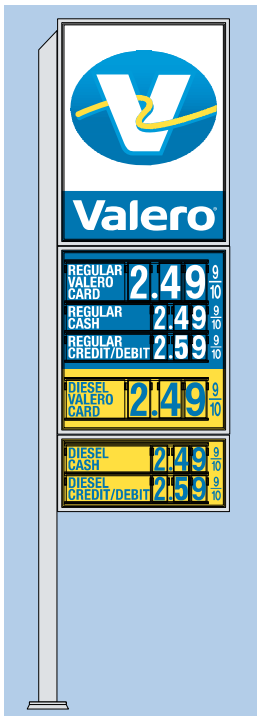
A handwritten signature in black ink, appearing to read "Lee Simmons", is written over a light gray rectangular background.

By: \_\_\_\_\_

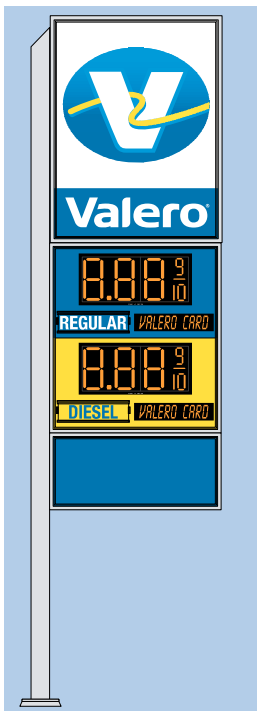
Lee Simmons  
Associate

**Exhibit 1**

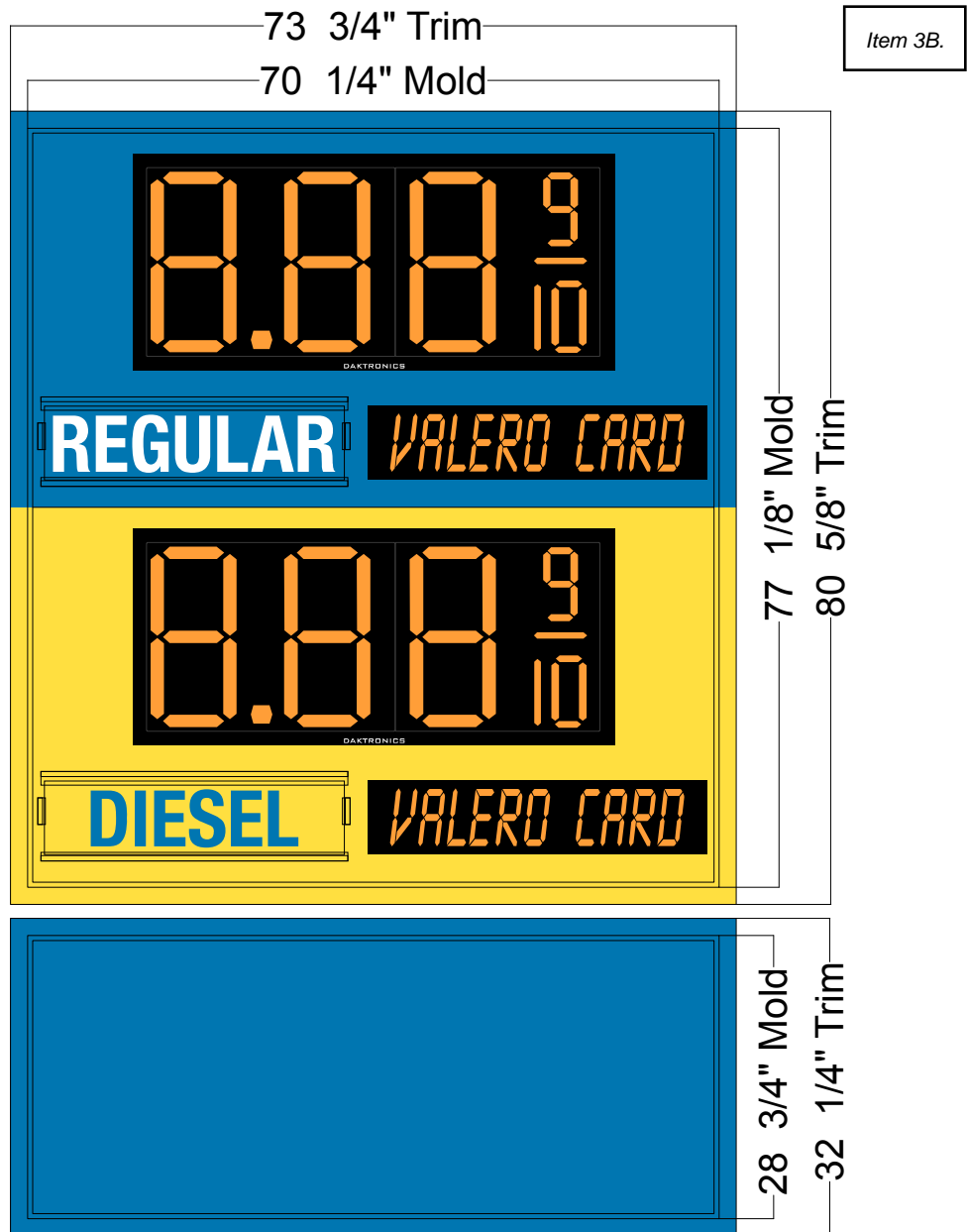




Scope of Work - Before



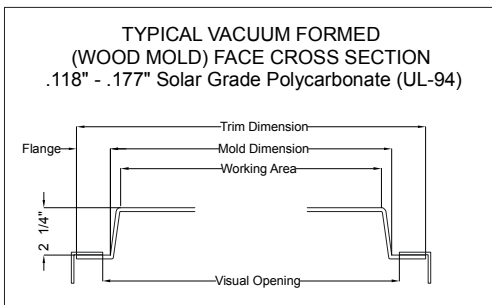
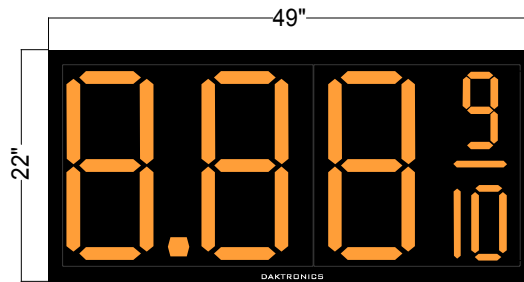
Scope of Work - After



**Per Valero standards, all 3 options for Cash/Credit/Debit must be programmed and initiated in the price sign postings.**



Daktronics Model #:  
FL-3000-18-A-DI



Site - Drawing - #:

28554 Dwg 78609

Date: Project:

8/13/20 Valero

Requested By: Drawing By:

Jason J.GENET



ALVEYSIGNS.COM  
13100 Hwy 57 N., Evansville, IN  
1(888) 425-8397  
(812) 867-2567 ph.  
(812) 867-1465 fax

Notes - Scope of Work

Replacement Faces: 2P LED Pricer w/ Flasher  
AUX (Blank)

THIS DESIGN IS THE ORIGINAL AND UNPUBLISHED WORK OF ALVEY'S SIGN COMPANY AND MAY NOT BE REPRODUCED OR EXHIBITED IN ANY FASHION WITHOUT WRITTEN CONSENT FROM AN AUTHORIZED OFFICER OF THE COMPANY.

**Exhibit 2**

521 Hwy 71, Bastrop Texas		
Year	Fuel Volume (gallons)	YOY Change
2016	860,514	
2017	746,676	-13.23%
2018	771,203	3.28%
2019	572,372	-25.78%
2020	611,333	6.81%
2021	512,732	-16.13%

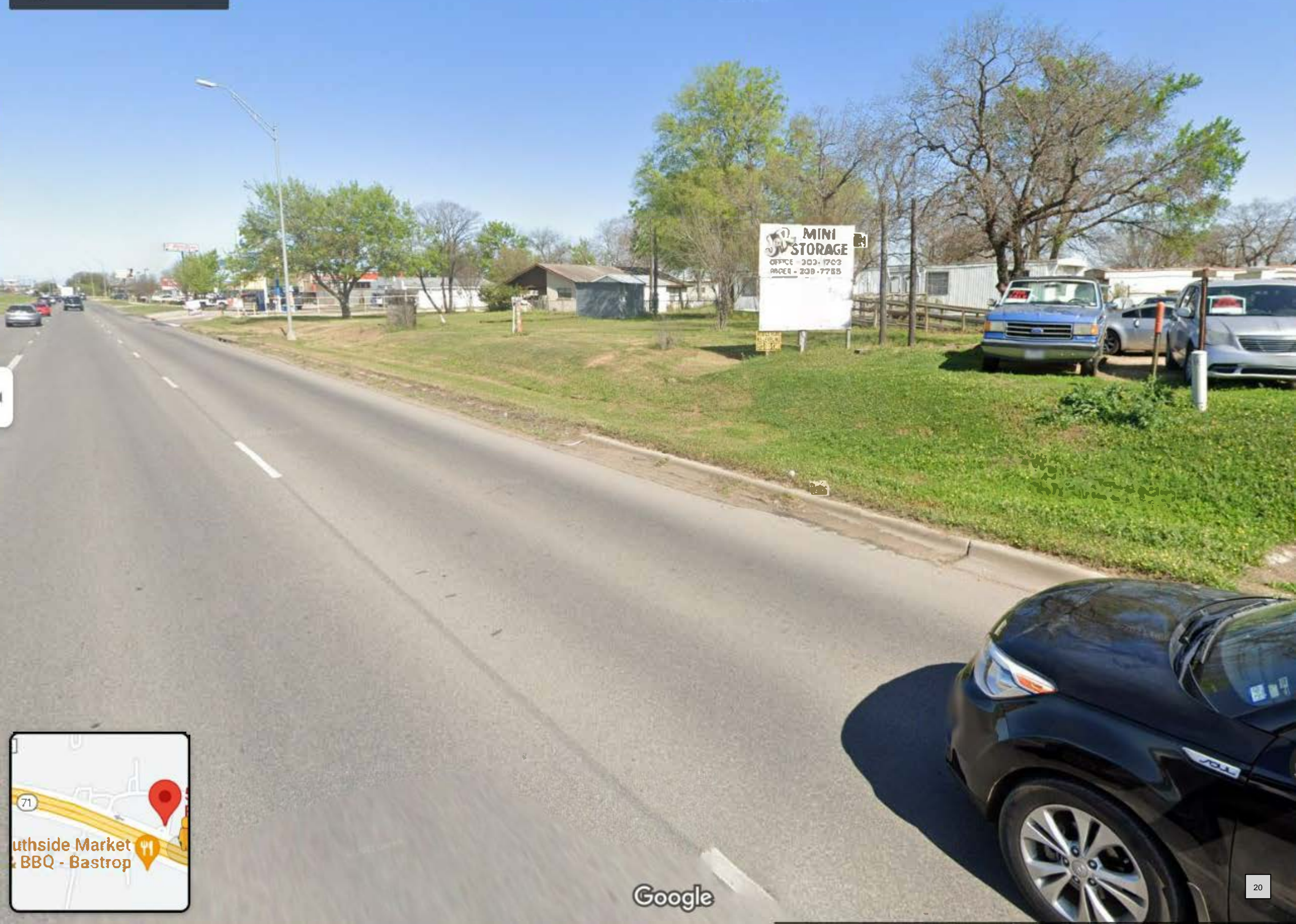
Frontage Rd  
Bastrop, Texas



Street View - Mar 2021

Item 3B.

### Attachment 3



Frontage Rd

Bastrop, Texas

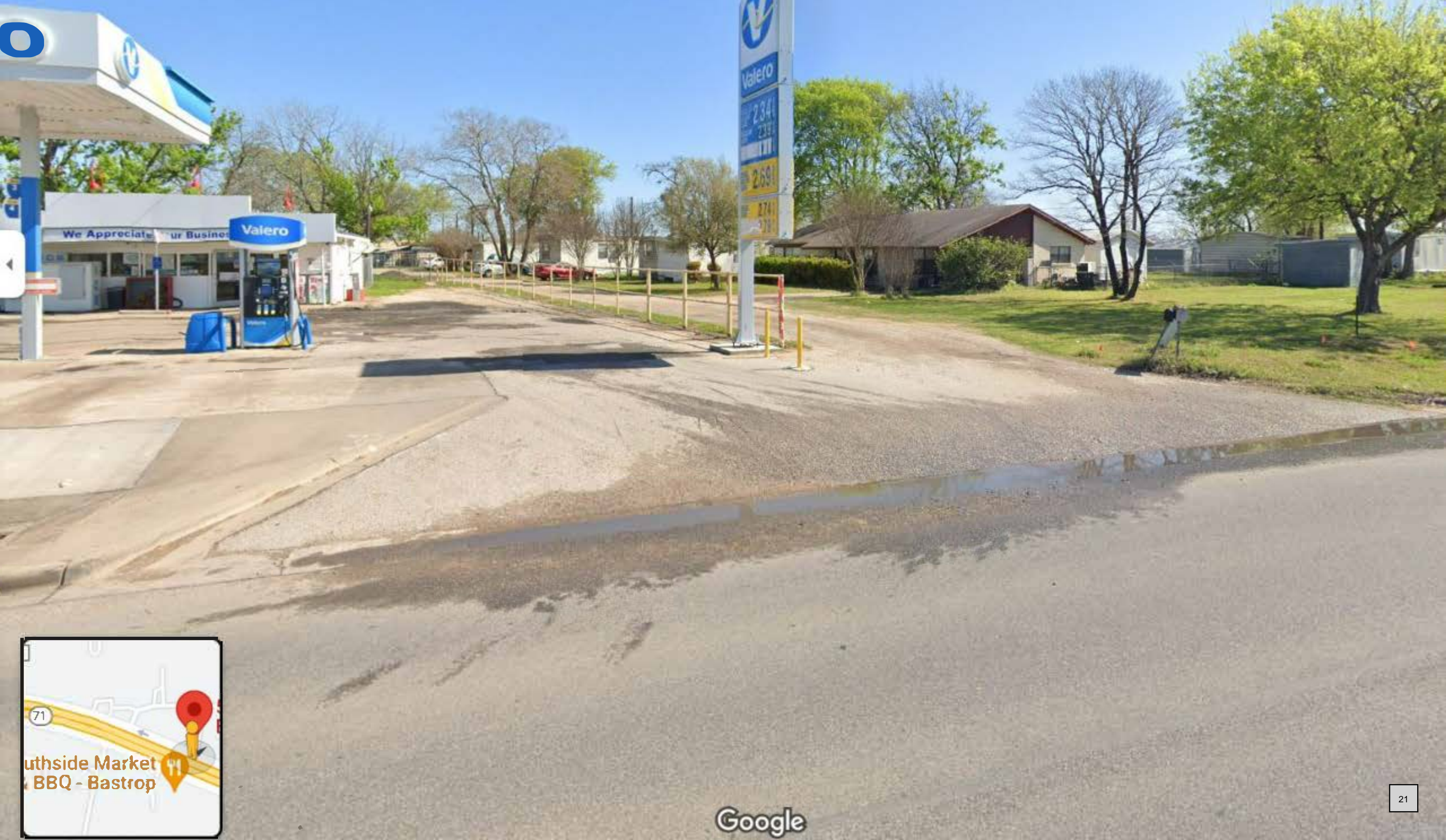


Google



Street View - Mar 2021

Item 3B.



Google

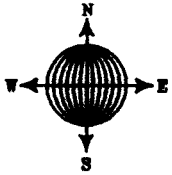




**EXHIBIT 'B'**

**OLD HIGHWAY 71  
(100' ROW)**

Item 3B.



SCALE 1" = 40'

REFERENCE: V & S ENGINEERS, INC.  
A TEXAS CORPORATION

ADDRESS: 521 STATE HIGHWAY 71 WEST  
BASTROP, TEXAS 78602

JOE ANN SULLIVENT  
VOL. 751, PG. 578  
O.R.B.C.  
(0.783 ACRES)

JOE WILHELM AND WIFE  
ROBERTA WILHELM  
VOL. 178, PG. 70  
O.R.B.C.  
(2.00 ACRES)

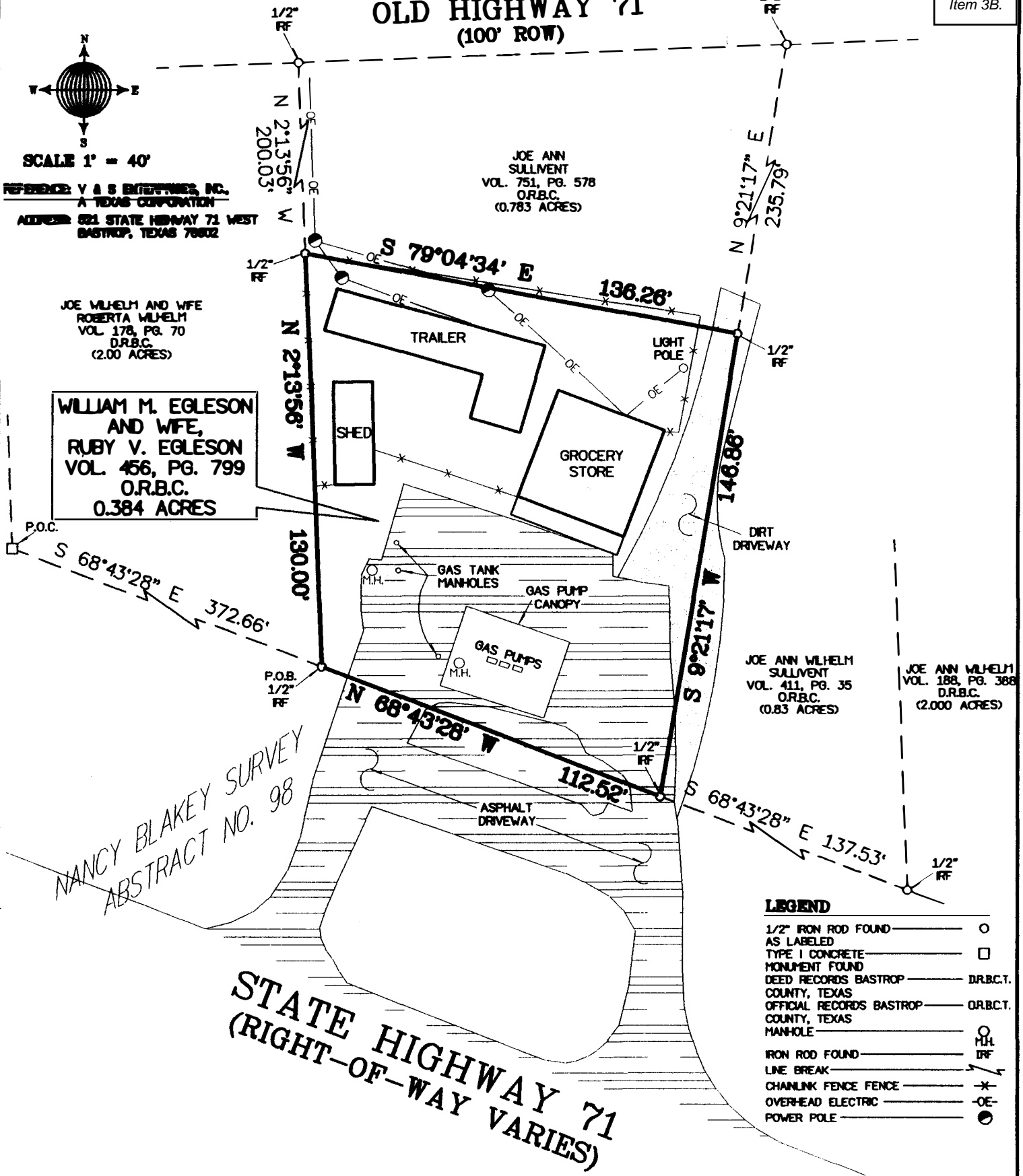
WILLIAM M. EGLESON  
AND WIFE,  
RUBY V. EGLESON  
VOL. 456, PG. 799  
O.R.B.C.  
0.384 ACRES

P.O.C.

P.O.B.  
1/2" RF

NANCY BLAKEY SURVEY  
ABSTRACT NO. 98

**STATE HIGHWAY 71  
(RIGHT-OF-WAY VARIES)**



**LEGEND**

- 1/2" IRON ROD FOUND AS LABELED ○
- TYPE I CONCRETE MONUMENT FOUND □
- DEED RECORDS BASTROP COUNTY, TEXAS DR.B.C.T.
- OFFICIAL RECORDS BASTROP COUNTY, TEXAS OR.B.C.T.
- MANHOLE ○ M.H.
- IRON ROD FOUND ○ IRF
- LINE BREAK ————
- CHAINLINK FENCE ———— X
- OVERHEAD ELECTRIC ———— OE
- POWER POLE ○

**GENERAL NOTES:**

1. THE PROPERTY SHOWN HEREON IS IN FLOOD ZONE "X". AS IDENTIFIED BY THE FEDERAL FLOOD INSURANCE RATE MAP # 46021C0114 C, DATED AUGUST 1, 1991.
2. EASEMENTS AND BUILDING LINES, AS PER PRELIMINARY TITLE REPORT G.F. NO. 00012361 AS SUPPLIED BY HERITAGE TITLE COMPANY OF AUSTIN, INC.

**TITLE COMMITMENT NOTES:**

- 9a. ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE EASEMENT GRANTED TO THE LOWER COLORADO RIVER AUTHORITY, BY INSTRUMENT DATED JUNE 23, 1940, RECORDED IN VOLUME 104, PAGE 64 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS. (MAY AFFECTS THIS TRACT)
- 9c. ELECTRIC EASEMENT GRANTED TO SOUTHWESTERN BELL TELEPHONE COMPANY, BY INSTRUMENT DATED DECEMBER 15, 1978, RECORDED IN VOLUME 270, PAGE 268 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS. (MAY AFFECTS THIS TRACT)

**BEARING BASIS:**

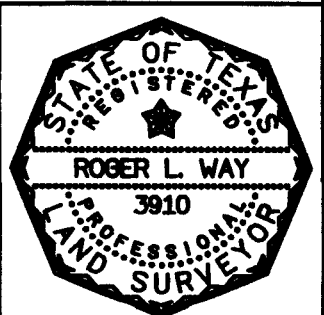
BEARINGS AND DISTANCES ARE STATE PLANE COORDINATES CENTRAL ZONE - NAD 83 - RAISED TO SURFACE BY BASTROP COUNTY SURFACE FACTOR 1.00004

**SURVEYORS CERTIFICATION:**

TO THE OWNER AND/OR LIENHOLDER, HERITAGE TITLE COMPANY OF AUSTIN, INC., AND FIRST AMERICAN TITLE INSURANCE COMPANY, THE UNDERSIGNED DOES HEREBY CERTIFY THAT THE SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON AND IS CORRECT AND THERE ARE NO DISCREPANCIES, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE EXCEPT AS SHOWN HEREON AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY AS SHOWN HEREON.

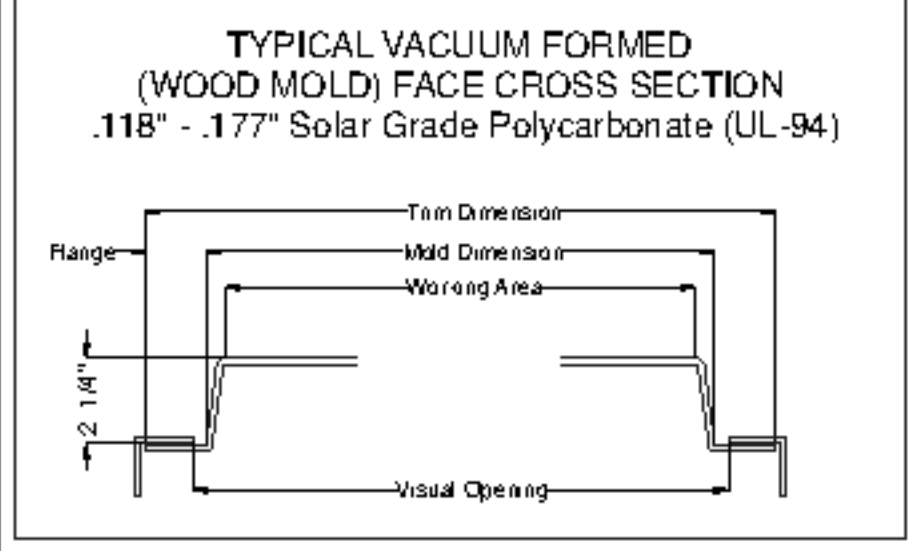
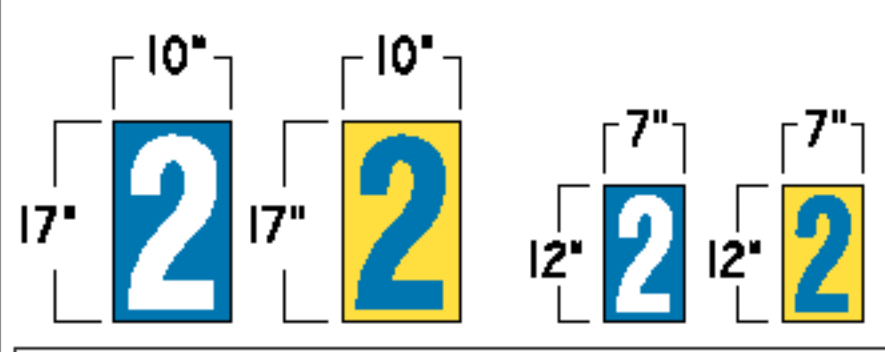
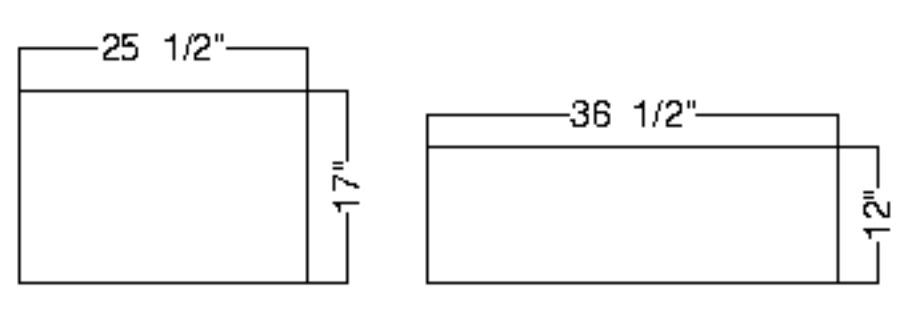
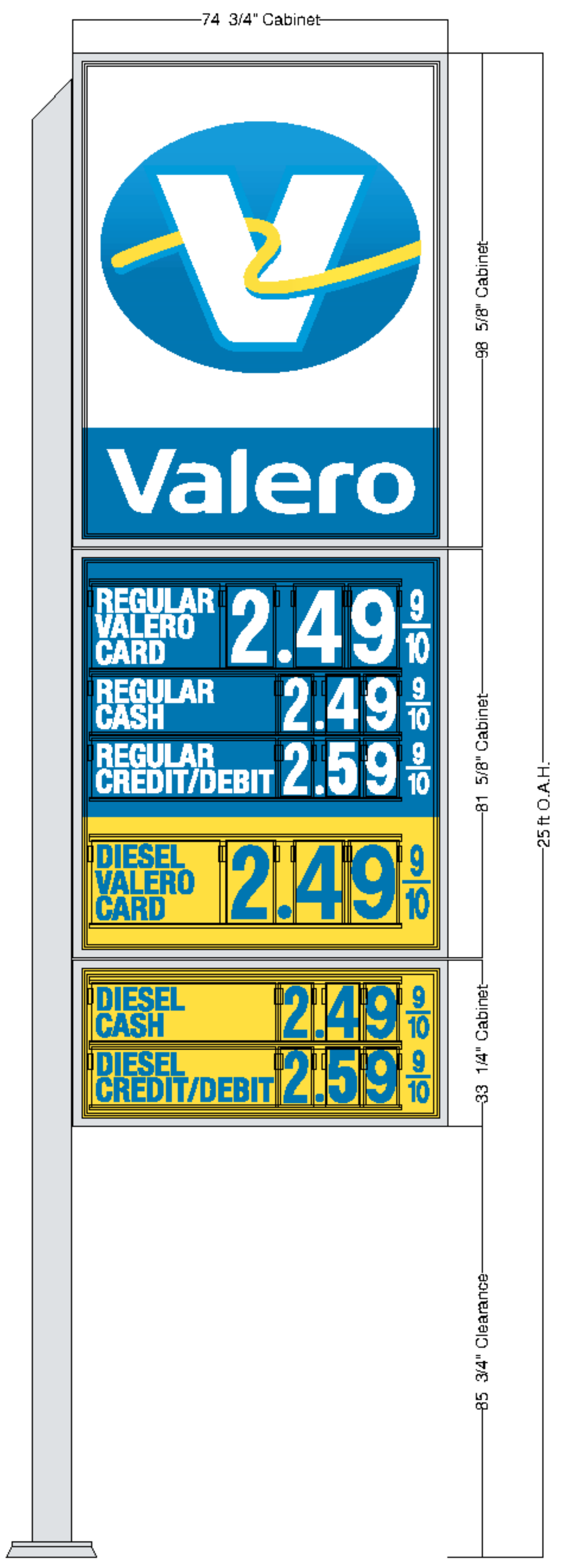
WAY SURVEYING COMPANY  
PROFESSIONAL LAND SURVEYING  
ROGER L. WAY - OWNER  
RT. 1 BOX 9A2  
BASTROP, TEXAS 78602  
PH# (512) 303-1773  
FAX (512) 303-3469

**SURVEY PLAT** of a 0.384 acre tract of land out of the Nancy Blakey Survey, Abstract No. 98 in Bastrop County, Texas, and being all of that certain called 0.384 acre tract of land described by deed to William M. Egleson and wife, Ruby V. Egleson as recorded in Volume 456, Page 799 of the Official Records of Bastrop County, Texas.



*Roger L. Way*  
ROGER L. WAY  
7/29/02  
DATE





Site - Drawing - #:  
 28554 Dwg 72527  
 Date: 5/13/20 Project: Valero  
 Requested By: Jason Drawing By: DEYSS



**ALVEYSIGNS.COM**  
 13100 Hwy 57 N., Evansville, IN  
 1(888) 425-8397  
 (812) 867-2567 ph.  
 (812) 867-1465 fax

Notes - Scope of Work  
 6ft Flag System: Valero ID, 4P FONT Pricer, 2P Font Pricer  
 THIS DESIGN IS THE ORIGINAL AND UNPUBLISHED WORK OF ALVEYS SIGNS COMPANY AND MAY NOT BE REPRODUCED, COPIED OR EXHIBITED IN ANY MANNER WITHOUT WRITTEN CONSENT FROM AN AUTHORIZED OFFICER OF THE COMPANY.



**PROPERTY OWNER'S RESPONSE**

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

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

Item 3B.

Property Owner Name: JOANN SULLIVANT

Property Address: 519 Hwy 71 West Bastrop TX 78602

Mailing Address (if different than property address: SAME

Phone (optional): (512) 303-1703 Email (optional): ---

Property Owner's Signature: Jo Ann Sullivant

Additional Comments (Optional): infringes upon my rights + property

Re: Sign Variance – Valero Gas Station

PLANNING DEPARTMENT

1311 Chestnut Street • Bastrop, Texas 78602 • 512.332.8840 • www.cityofbastrop.org

**PROPERTY OWNER'S RESPONSE**

As a property owner within 200 feet: (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: JOANN SULLIVANT for Roberta Wilhelm

Property Address: 519 Hwy 71 West, Bastrop, TX 78602

Mailing Address (if different than property address: SAME

Phone (optional): (512) 303-1703 Email (optional): ---

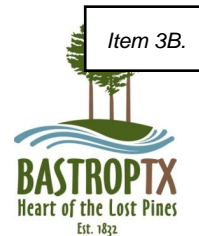
Property Owner's Signature: Jo Ann Sullivant

Additional Comments (Optional): Very distracting to other drivers - not necessary - Very opposed to request - Blocks vision

Re: Sign Variance – Valero Gas Station

PLANNING DEPARTMENT

1311 Chestnut Street • Bastrop, Texas 78602 • 512.332.8840 • www.cityofbastrop.org



**Notice of Public Hearing  
City of Bastrop  
Zoning Board of Adjustment**

Dear Property Owner:

The **Zoning Board of Adjustment** will conduct a public hearing on **Wednesday, August 3, 2022 at 6:00 p.m.** in the **City Hall Council Chambers** located at **1311 Chestnut Street, Bastrop, Texas** on the following request:

Public Hearing and consider action on a variance from the Bastrop Building Block (B<sup>3</sup>) Code, Chapter 8 – Signs, Section 8.1009 (3) Large Freestanding Sign types and Article 8.3 (L) Pole Signs to allow digital price numbers on an existing sign, on Nancy Blakey Survey, Abstract 98, Acres 0.380, located at 521 W SH 71, within the City Limits of the City of Bastrop, Texas.

Applicant: Lee Simmons  
 Owner: Startex First Equipment LP  
 Address: 521 W SH 71  
 Legal Description: Nancy Blakey Survey, Abstract 98, 0.380 acres

**The site location map is 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. For more information or to provide comments on this project, you may contact the Planning & Development Department at (512) 332-8840, [plan@cityofbastrop.org](mailto:plan@cityofbastrop.org), visit the office or mail the response card below to 1311 Chestnut Street, Bastrop, Texas, 78602.

The agenda will be posted 72 hours in advance at: [https://www.cityofbastrop.org/page/cs.board\\_agendas](https://www.cityofbastrop.org/page/cs.board_agendas).

⌘< -----

**PROPERTY OWNER'S RESPONSE**

As a property owner within 200 feet: (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: \_\_\_\_\_

Mailing Address (if different than property address): \_\_\_\_\_

Phone (optional): \_\_\_\_\_ Email (optional): \_\_\_\_\_

Property Owner's Signature: \_\_\_\_\_

Additional Comments (Optional):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Re: 22-000691 Sign Variance

motorists or people passing by. All Standards must meet the City's Code.

D. Sight Triangle. Signs cannot be located within the Sight Triangle, as defined in the B<sup>3</sup> Technical Manual Section 2.0.011.

(3) Large Freestanding Sign Types:

A. Monument Sign

B. Pylon/Pole Sign

(4) General Requirements:

A. Size: Cannot have a ratio of less than 4:1 sign width to narrowest width of support structure. Must follow standards in Article 8.3.

B. Number. One Sign per street frontage of a lot.

C. Illumination: Large Freestanding Signs may only be externally illuminated unless approved by Warrant or located within the SH 71/SH 95/Loop 150 Corridors.

- i. External lighting shall be directly directed down toward the Sign and shielded so that it does not shine directly into a public right-of-way and does not interfere with the safe vision of motorists or people passing by. All Standards must meet the City's Code.

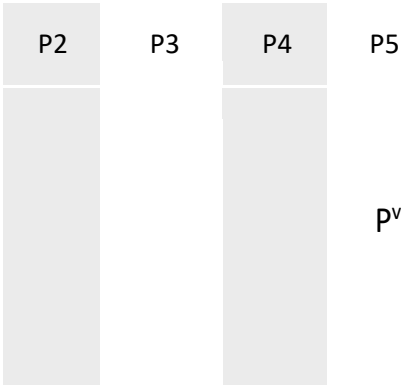
- ii. Internal illumination shall not operate at brightness levels of more than 0.2 foot-candles above ambient light conditions at the property line, as measured using a foot-candle meter. The total lumen output of all signs cannot exceed 10% of the total lumen allowance in Section 6.6 – Outdoor Lighting.

D. Locations for Sign Corridors:

- i. SH 71 Corridor. The area located 720 feet from the centerline of the adjacent main lane of State Highway 71.
  - ii. SH 95 Corridor. The area located 330 feet from the centerline of the lane of State Highway 95.
  - iii. Loop 150 Corridor. The area located 330 feet from the centerline of Loop 150, south of the Colorado River.
  - iv. All Signs must be located within 25 feet of the property line.
- E. Sight Triangle. Signs cannot be located within the Sight Triangle, as defined in the B<sup>3</sup> Technical Manual Section 2.0.011.

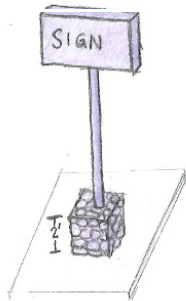
L)

PLACE TYPES ▶



SPECIFICATIONS ▼

PYLON/POLE SIGN



- d. **Quantity:** 1 max per Frontage
- e. **Height:** 35 ft max. in P5 on SH 71  
20 ft max in P5 on SH 95 & Loop 150
- f. **Max Height to width ratio:** 4:1

DESCRIPTION

A Sign permanently affixed to the ground at its base by a single- or double-poles, that are enclosed by a base of natural stone, stucco, brick, or wood and not mounted to a part of a Building. Only allowed in State Highway 71 & SH 95

SIGN DETAILS

- i. How to Measure:
  - (1) Maximum total Height is measured from the finished grade at the center of the Sign. If the finished grade at the center of the Sign is higher than the finished grade of the closest paved surface, then the Height shall be measured from the finished grade of the closest paved surface.
  - (2) The pylon/pole base shall be a maximum of 2 feet in Height and shall be included in the calculation of total Height.
- ii. The max Height allowed along SH 71 is 35 feet.
- iii. The max Height allowed along Loop 150 and SH 95 is 20 feet.
- iv. Signs along SH 71, SH 95 and Loop 150 can be internally illuminated.
- v. Only allowed in a Sign Corridor and not allowed if Band Sign exceeds 4 feet in height.
- vi. Cannot be located within a Sight Triangle.

Section 8.2.003 Variances

(d) The ZBA may decide, subject to appropriate conditions, and only after a finding based on the evidence presented that strict compliance with the requirements of this Code will result in substantial undue hardship, sufficient mitigation, or inequity to the applicant without sufficient corresponding benefit to the City and its citizens in accomplishing the objectives of this Chapter.

The Sign Administrator and ZBA shall consider:

- (1) Special or unique hardship because of the size or shape of the property on which the Sign is to be located, or the visibility of the property from public roads.
- (2) Hardship claim based on the exceptional topographic conditions or 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.
- (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.
- (6) Demonstrated and documented correlation between the Variance and protecting the public health and safety.
- (7) Whether the Sign could have been included in a Master Sign Plan. Master Sign plans are highly encouraged. The City will be more inclined to favorably consider a Variance request when the Variance is part of a Master Sign Plan. There will be a presumption against granting variances piecemeal, ad hoc, on a case-by-case basis when the Sign for which a Variance is sought could have

been included in a Master Sign Plan and considered in the course of a comprehensive review of the entire Project's signage.

- (8) The Sign Administrator may authorize the remodeling, renovation, or alteration of a Sign when some nonconforming aspect of the Sign is thereby reduced.