

## **Board of Adjustment and Municipal Sign Review Board Meeting Minutes**

The City of Bastrop Board of Adjustment and Municipal Sign Review Board, met Wednesday, December 7, 2016 at 6:00 p. m. in the Bastrop City Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas.

### **1. Call to Order.**

At 6:00 p.m. Dan Hays-Clark called the meeting to order.

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

Blas Coy	Present
Dan Hays-Clark	Present
Matthew Lassen	Present
Herb Goldsmith	Present
Bob Rogers	Present
Alyssa Halle-Schramm	Absent

### **3. Citizen comments.**

There were no citizen comments.

### **4. Consideration and approval of the October 5, 2016, Board of Adjustment meeting minutes.**

Herb Goldsmith wanted clarification on page four (4) of the meeting minutes, under 10. Directors Report, item b., the Form Based Code Task Force did not present to the City Council, on the North Area in November. The presentation for the North Area will be going to City Council at a future date. Blas Coy moved to approve minutes with this noted. Seconded by Matthew Lassen and the motion passed with four members voting for and Dan Hays-Clark abstaining.

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

Dan Hays-Clark recessed the regular Board of Adjustment session and convened the Municipal Sign Review Board.

### **6. MSRBV16-03: Public Hearing: The Municipal Sign Review Board will convene a Public Hearing on a Waiver "Variance" to the Sign Ordinance request as follows:**

**Wavier "Variance" to Sign Ordinance, Section 3.20.016 (4)(D)(i)(a)(ii), to allow a pylon sign to be approximately 70 feet in height with an area of 400 square feet, where a maximum height allowance is 35 feet with an area of 160 square feet for the property, located at 601 Highway 95, at the northeast corner of Highway 71 and Highway 95, Buc-ee's Store 28 Subdivision, Block A, Lot 1 being +/-13.431 acres within the city limits.**

- a. **Presentation by City Staff.**
- b. **Presentation by the Applicant.**
- c. **Receive verbal/written comments from the public.**
- d. **Response by Applicant and/or Staff.**
- e. **Close the Public Hearing.**
- f. **Board discussion and render decision.**

Wesley Brandon addressed the Board with Buc-ee's Ltd.s request to allow a variance for a 70-foot-tall pylon sign with an overall sign area of 400 square feet. The signage area would consist of a Buc-ee's sign being about 314 square feet and a smaller Bastrop sign with an area of about 86 square feet. A list of hardships is included in the packet received by board members. The main hardship that staff see's, is the construction of the new overpass that is being built for Highway 71 at the intersection of Highway 95. This creates an elevation and geometry difference between current and future traffic movements. Staff recommends approval of the variances for the sign.

Dan Hays-Clark wanted to know the height of the overpass being built compared to where it currently sits. Wesley responded that the sign would be a height of 44 feet above the guardrail on the overpass, upon completion. Blas Coy, inquired about the exit to reach Buc-ee's. The exit will be shortly before the Buc-ee's and a quick exit from the highway will be necessary.

Herb Goldsmith inquired about the current approximate sign area on the building itself. Wesley stated that he did not have the total square footage. Ted Bowers addressed the Board and stated that the current signage on the building was quite a bit under what would be allowed to them. No variances were requested for the wall signage. Previously, when Buc-ee's requested a sign variance for a pylon sign, staff wanted to visualize the height a sign would need to be, coming from up the hill in a vehicle and going the speed limit. They came up with a height of 70-75-foot, to get over and off the highway, with the anticipation of the future overpass.

Several discussions were held between Board members and Staff regarding the request and the hardships stated for this request. Discussions continued, regarding the new overpass and exit ramps with visual aids on the monitor. Dan Hays-Clark asked why the sign being requested was recommended by staff, even the new overpass as the new street elevation to go by were to be considered. Staff spoke of the slope and elevation of the roadway approaching the sign and additional obstructions, such as trees, that would cause difficulty for drivers to see the sign from the highway. Discussions continued between staff and Board members, about street levels/ road layout, elevations and obstructions of view and with distance creating additional hardships. Comparable signs were shown. Dan Hays-Clark stated that the comparison signs were all old and installed before the ordinance. Wesley showed additional signage on the projector to further illustrate the scale of what is being requested. The Burleson Crossing's sign was within a 380 agreement and the HEB sign received a variance for their monument sign.

Buc-ee's representative, Stan Beard addressed the Board. Mr. Beard stated that they were trying to find a happy medium with the 70' height requested, to ensure that the sign would be tall enough to be seen by drivers, so that they could get over to exit safely. He stated that this is about the shortest the sign could be seen, traveling at highway speeds. Mr. Beard stated that Buc-ee's has been informed that the posted speed limit will be 65 mph once the overpass is completed. Mr. Beard also stated that this would be the only pylon sign for Buc-ees, and it would be less than the allowed square footage combined for the two signs they would be allowed, one per frontage. Matt Lassen asked what the preferred sign size would be. Mr. Beard responded that they typically have a 100ft tall sign with a 25-foot sign diameter.

Dan Hays-Clark inquired to Mr. Townsend and staff if the City is looking at the sign ordinance for the Highway 71 corridor. Wesley stated that no real progress had been made, but it had been recommended within the Comprehensive Plan, approved last month. Mr. Townsend stated that Council member, Gary Schiff has been reviewing approximately eight (8) sample cities sign ordinances that are on interstates, but City Council has not reviewed anything at this time.

Dan Hays-Clark opened the meeting to the public. There were no comments from the public.

Dan Hays-Clark closed the public hearing.

Board members discussed that multiple similar requests had been brought to them and denied because the ordinance was adopted to keep Bastrop attractive. Generally, it is felt that the City Council should review the Sign Ordinance and make appropriate changes regarding the Highway 71 corridor, and that the Municipal Sign Review Board should stick to the rules of the ordinance at this time. Several Board members felt that consistency in their rulings would be fair, as similar requests brought before the Board had been denied previously.

Bob Rogers made a motion to deny the waiver “variances”, Seconded by Blas Coy. The motion failed with four against and one in favor.

Dan Hays-Clark- against  
Blas Coy- against  
Herb Goldsmith- against  
Bob Rogers- against  
Matt Lassen- in favor  
Alyssa Halle-Schramm- absent

**7. The Municipal Sign Review Board will adjourn as the Municipal Sign Review Board and will reconvene as the Board of Adjustment.**

Dan Hays-Clark adjourned the Municipal Sign Review Board and reconvened the regular Board of Adjustment meeting.

**8. Director’s Report:**

**a) Status update on actions taken/completed to date for the Comprehensive Plan.**

The Comprehensive Plan was adopted by the City Council in November.

**b) Status update on actions taken/completed to date for the Form Based Code Task Force for the North Area.**

The Form Based Code Task Force has created a presentation that will be going to City Council at a future date. A packet with the slideshow presentation was given to all members of the Board and Herb Goldsmith, has requested that everyone on the Board please review and give feedback before it is presented to Council. At the time of this meeting, no feedback had been received.

**c) Direction from the Board of Adjustment on any items to be included on any future agendas.**

Dan Hays-Clark asked that a workshop be included in an upcoming agenda, when there is not much else on the agenda, to review policy issues with the city attorney and the Board. Herb Goldsmith would like to see a presentation on how the Form Based Code has created fewer variances and benefitted the city, this may be beneficial with moving forward for the North End.

**9. Adjourn.**

At 6:51 p.m. Matthew Lassen made a motion to adjourn. The motion was seconded by Bob Rogers and the meeting adjourned.

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Dan Hays-Clark, Chair