

Planning and Zoning:	9/16/2024	Staff Contact:	Robert Polanco, Building Official
Agenda Item:	2024-0938	E-mail:	robertp@pflugervilletx.gov
Case No.	23-0928	Phone:	512-990-6300

SUBJECT: Discuss and consider an application for a Sign Waiver Request to increase the maximum allowable sign height for a commercial development located at 2400 Terrell Ln just South of the Stone Hill Commercial Development

PURPOSE OF SIGN VARIANCE:

Pursuant to Chapter 154.800 of the Pflugerville Code of Ordinances Title XV, the Planning and Zoning Commission may consider proposed variances to the development standards and requirements within Chapter 154: Signs. Consideration of variances to Chapter 154, allow for deviations from the sign requirements to achieve more flexibility of the site, while still adhering to the intent of the sign requirements found in Chapter 154. After making its determination, the variance application may be appealed to the City Council by filing a request for an appeal within thirty (30) days after the date of consideration by the Planning and Zoning Commission.

The Planning and Zoning Commission may consider the proposed variance request based on the specific criteria outlined in Chapter 154.800, to approve the variance:

The literal enforcement of the sign regulations creates an Unnecessary Hardship on the applicant.

1. The proposed sign shall not have a substantial adverse impact on the adjacent property (visibility, size, and the like).
2. The proposed sign shall be of a unique design or configuration.
3. The variance is needed due to restricted area, shape, topography, or physical features that are unique to the property or structure on which the proposed sign would be erected; or
4. The variance will substantially improve the public convenience and welfare and is not contrary to the intent of this chapter.

In making determinations, the Building Official, Planning and Zoning Commission, and City Council shall consider the following criteria as well:

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.

1. Hardship claim based on the exceptional topographic conditions or physical features uniquely affecting the property on which a sign is to be located.
2. Proposed sign location, configuration, design, materials, and colors are harmonious with the surrounding area.

3. Natural colors (earth tones) and muted colors are favored. Color schemes must be compatible with the surrounding structures. Predominate use of bold and/or bright colors is discouraged under this section.
4. The sign and its supporting structure are in architectural harmony with the surrounding structures.
5. Mitigation measures related to the sign in question or other signs on the same premises.
6. The existence of Nonconforming Signs or Prohibited Sign Types are located onsite.
7. Demonstrated and documented correlation between the variance and protecting the public health, safety, and welfare.
8. The stage at which the variance is requested. The city will be more inclined to consider a variance request when it is sought during an earlier stage of the construction approval process, for instance when the applicant is submitting/obtaining a plat, planned unit development, development agreement, or site plan.
9. Whether the sign could have been included in a Master Signage Plan. The city will be more inclined to favorably consider a variance request when the variance is part of a master signage 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 Signage Plan and considered during a comprehensive review of the entire project's signage.
10. The Building Official may authorize the remodeling, renovation, or alteration of a sign when some nonconforming aspect of the sign is thereby reduced.

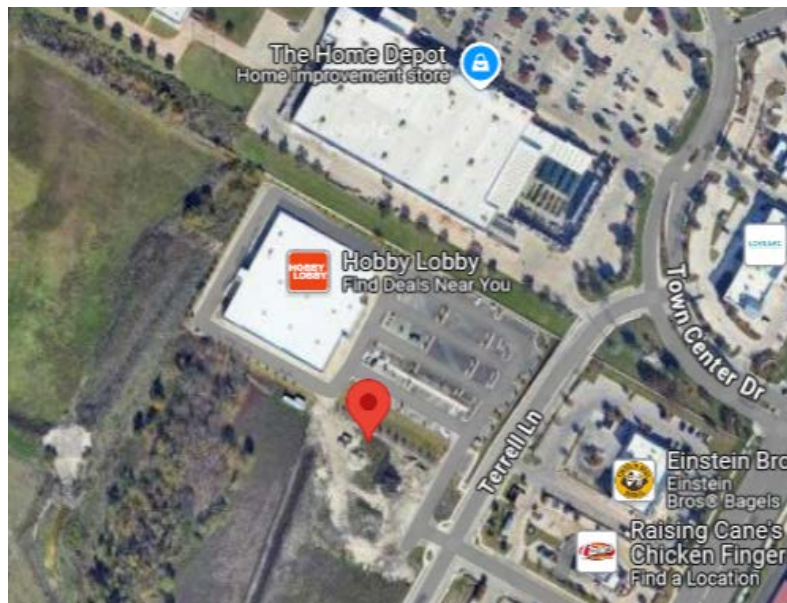
In granting a sign variance, the Planning and Zoning Commission or City Council may impose conditions upon the proposed use.

LOCATION:

The subject property is locally addressed 2400 Terrell Ln, generally South of Town Center Drive. The property is located between South of Home Depot and behind the retail sites fronting N FM 685.

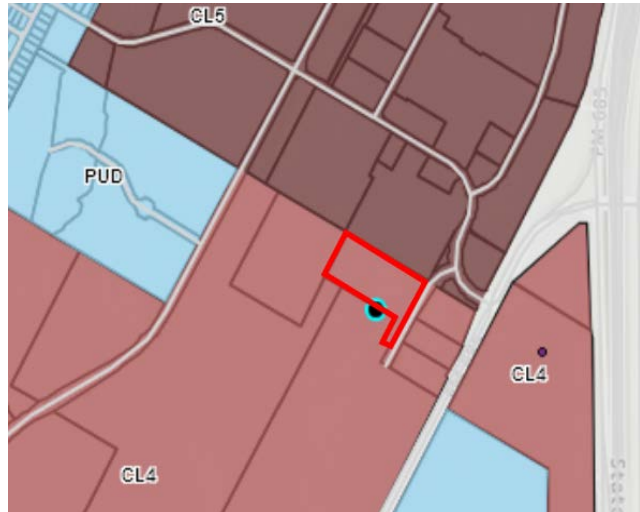
BACKGROUND:

The building began construction in 2023 and was issued their Certificate of Occupancy on May 1, 2024



ZONING:

The property is zoned CL4 and is not located within any District Overlay (DD).



CODE REQUIREMENT:

Pursuant to Table B3, Chapter 154.304(C) the maximum height of a sign located in the CL4 zoning district is not to exceed 8ft.

VARIANCE REQUEST:

The applicant is proposing one freestanding sign located on Terrell Ln. that will be visible as patrons drive South on Terrell from Town Center Dr and while driving along FM 685.

The applicant is requesting a variance to the following sections of the Sign Code:

- Table B3, Chapter 154.304(C) max 8 ft height to be increased to 23'10"

STAFF RECOMMENDATION:

Staff is offering a recommendation for acceptance; additionally, it must be stated that in the opinion of the Building Official the applicant meets four of the five approval criteria referenced by Section 154.800 (D) stating:

A determination as to approval may be made upon demonstration that at least four (4) of the following five (5) criteria are met:

- (1) The literal enforcement of the sign regulations creates an Unnecessary Hardship on the applicant;*
- (2) The proposed sign shall not have a substantial adverse impact on the adjacent property (visibility, size and the like); (Meets this provision, similar sign types and sizes are located in the adjacent area)*
- (3) The proposed sign shall be of a unique design or configuration; (Meets this provision, proposed design and materials are unlike those in the surrounding area)*

(4) *The variance is needed due to restricted area, shape, topography, or physical features that are unique to the property or structure on which the proposed sign would be erected; or (Meets this provision, site grade is substantially lower than the adjacent properties to the North)*

(5) *The variance will substantially improve the public convenience and welfare and is not contrary to the intent of this chapter. (Meets this provision, improves visibility for oncoming traffic from both FM 685, and Town center Dr.)*

If, in the opinion of the Commission the applicant has met four of the five approval criteria for consideration of the sign variance or simply chooses to hear the petition nonetheless, staff would also like to remind the members of the Commission to consider the 11 additional criteria listed in Section 154.800 (E) which also state:

In making determinations, the Building Official, Planning and Zoning Commission, and City Council shall consider the following criteria as well:

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.

- 1. Hardship claim based on the exceptional topographic conditions or physical features uniquely affecting the property on which a sign is to be located.*
- 2. Proposed sign location, configuration, design, materials, and colors are harmonious with the surrounding area.*
- 3. Natural colors (earth tones) and muted colors are favored. Color schemes must be compatible with the surrounding structures. Predominate use of bold and/or bright colors is discouraged under this section.*
- 4. The sign and its supporting structure are in architectural harmony with the surrounding structures.*
- 5. Mitigation measures related to the sign in question or other signs on the same premises.*
- 6. The existence of Nonconforming Signs or Prohibited Sign Types are located onsite.*
- 7. Demonstrated and documented correlation between the variance and protecting the public health, safety, and welfare.*
- 8. The stage at which the variance is requested. The city will be more inclined to consider a variance request when it is sought during an earlier stage of the construction approval process, for instance when the applicant is submitting/obtaining a plat, planned unit development, development agreement, or site plan.*
- 9. Whether the sign could have been included in a Master Signage Plan. The city will be more inclined to favorably consider a variance request when the variance is part of a master signage 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 Signage Plan and considered during a comprehensive review of the entire project's signage.*
- 10. The Building Official may authorize the remodeling, renovation, or alteration of a sign when some nonconforming aspect of the sign is thereby reduced.*

Staff is available for any additional questions, and would now ask that the Commission make their determination based on the information provided by the staff on behalf of the applicant.

ATTACHMENTS:

- Location Map
- Sign Review Rejection
- Sign Application/ Plan Set
- Proposed Sign Elevations

STAFF REPORT

LOCATION MAP:

