



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** February 22, 2022

**PREPARED BY:** Walter E. Reeves Jr., AICP

**AGENDA CONTENT:** Conduct a public hearing, discussion, and possible action on a request for approval of a variance to the maximum height requirement for ground signage of Section 21.5-7.(3).a.3.(ii) and a variance to the maximum sign square footage requirement for ground signs of Section 21.5-7.(3).a.3.(i) for property located on the northwest corner of the SH 288/SH 35 intersection. The subject property is in the Commercial General (C-G) zoning district and is more commonly known as Buc-ees.

**AGENDA ITEM SECTION:** Public Hearing

**BUDGETED AMOUNT:** None

**FUNDS REQUESTED:** None

**FUND:** None

### EXECUTIVE SUMMARY:

Buc-ees is requesting a variance of the maximum height requirement for ground signage of 65 feet of maximum height and a variance of the maximum sign area requirement of 315 sq. ft. for the Buc-ees located on the northwest corner of the SH 288/SH 35 intersection (Attachment 1). The proposed sign will be 100 ft. in height, which exceeds the maximum permitted height by 35 ft. and will have 587.66 sq. ft. of sign area, which exceeds the maximum permitted sign area by 272.66 feet (Attachment 2). The proposed sign will be within 100 feet of the SH 288 right-of-way (Attachment 3).

Section 21.5-13 authorizes variances for height, sign area, freestanding or ground sign and length of time for nonconforming signage. Section 21.5-13 provides the following criterion for review of a sign variance request:

1. Where such variance will not be contrary to the public interest; and
2. Where, because of conditions peculiar to the property and as the result of the actions of the applicant, a literal enforcement of this section would result in unnecessary and undue hardship.

There appears to be a typo in Item 2 as most variance criteria identify that the conditions peculiar to the property are not the result of actions by the applicant, rather than as a result of actions of the applicant. The conditions must exist prior to actions of the applicant.

Section 21.5-2 the City has identified the purpose of the sign regulations as being:

*The purpose of this section is to provide uniform sign standards which promote the safety of persons and property, provide for the efficient transfer of information in sign messages, and protect the public welfare by enhancing the appearance and economic value of the landscape.*

The applicant has provided reasoning for the variance request (Attachment 4), that a taller, larger sign would “provide exposure to help direct travelers to the site and viewing time from each ramp to access site.” Further, the prolonged viewing distance visibility will “inform traveling public that the location is at the coming intersection and to exit.” While that reasoning would certainly meet the purpose of providing for the efficient transfer of information in sign messages, which would be in the public interest, it is hard to see how exceeding the City’s sign standards promotes the safety of persons and property, nor how the requested variances “protect the public welfare by enhancing the appearance and economic value of the landscape.”

While there is other ground signage within the jurisdiction of the City of Angleton along SH 288 that exceeds the City’s current regulations (Love’s Truck Stop (Attachment 5) and the Ford dealership pole sign (approximately 80 ft. tall)) that is not sufficient reason to grant the requested variance. There is no identified condition peculiar to the property that supports the increase in both height and sign area.

**RECOMMENDATION:**

Staff recommends denial of the requested variances.

**SUGGESTED MOTION:**

I move we deny the requested variances.