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## City Council Regular Meeting

**DEPARTMENT:** Development Services

**FROM:** Tony McIlwain, Director Development Services

**MEETING:** January 9, 2023

**SUBJECT:**

**QuikTrip at 449 E Renfro (Case 22-120):** Consider approval of a resolution for a variance to allow a pole sign; Chapter 63, Sign Regulations. *(Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item.)*

**SUMMARY:**

On August 22, 2022, an application was submitted by Bryan Clark representing QuikTrip South LLC, on behalf of the owner (Stephen Eisner) for a sign variance to allow a pole sign at 449 E Renfro. The City's sign regulations do not allow pole signs to be erected outside of the North Wilshire Sign Corridor, or on properties that do not have frontage on IH35. The applicant is requesting a pole sign of 30 ft. in height and up to 150 sq. ft. in sign area. The applicant's justification for approval in granting the variance has been attached as Exhibit 3.

**Planning Analysis**

Section 63-56 (Pole Signs) of the Sign Ordinance contains the following requirements:

(a) Location.

- (1) Signs must be premises signs.
- (2) Signs shall not be allowed in residentially zoned districts.
- (3) Signs shall maintain a 100-foot separation from an adjacent pole sign on each premises and minimum of 50 feet on adjacent premises on the same side of the street.
- (4) Signs shall be allowed to locate on premises with frontage onto IH 35 and within the North Wilshire Sign Corridor only.

(b) Area. Maximum 200 square feet.

(c) Height.

- (1) Maximum 30 feet within the North Wilshire Sign Corridor.
- (2) Maximum 50 feet on premises adjacent to IH 35.

(3) Signs must maintain a ten-foot clearance from ground to sign.

(d) Number of signs. One per premises.

### Approval Standards in Granting a Variance.

(Chapter 63-Sign Regulations, Section 63-12(b) - Variances):

Consideration	Applicants Justification
<b><i>Special conditions</i></b> exist that are <b><i>peculiar to the land, structure or building</i></b> involved and are not applicable to other lands, buildings or structures in the same vicinity. The City may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this chapter.	Based on applicants provided justification <b>Disagree. Commercial use directly across E Renfro has a monument sign and no pole sign.</b>
The <b><i>strict interpretation</i></b> of the chapter would <b><i>deprive the applicant of rights commonly enjoyed by other properties</i></b> in the vicinity under the terms of this chapter.	<b>Agree. Adjacent applicants with similar uses and closer to IH35 have pole signs.</b>
Special conditions and circumstances do not <b><i>result from the actions of the applicant(s)</i></b> and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences.	<b>Disagree. New development</b>
Granting the variance will meet the objectives of the ordinance and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare	Based on applicants provided justification <b>Disagree based on existing adjacent residential at Village Creek Pkwy</b>
The request will be the minimum variance necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of this chapter; and	Based on applicants provided justification <b>Agree –recommend limiting to 30 ft. and 150 sq. ft. if variance is granted</b>

Granting the variance will be in harmony with the <b><i>spirit and purpose</i></b> of this chapter.	Based on applicants provided justification <b>Disagree based on existing adjacent residential at Village Creek Pkwy</b>
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**OPTIONS:**

- 1) Approve the sign variance with or without conditions;
- 2) Deny the sign variance.

**RECOMMENDATION:**

Staff recommends disapproval of the resolution for a sign variance for a pole sign. It is staff's determination that there are no unique conditions involving the property, and no demonstrable special hardships or site development difficulties.

**FISCAL IMPACT:**

None.

**STAFF CONTACT:**

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