

MINUTES
CITY OF CEDAR PARK SIGN CONTROL BOARD
SPECIAL CALLED MEETING
JANUARY 9, 2008, 6:30 P.M.
CEDAR PARK LIBRARY - 550 DISCOVERY BOULEVARD

BOARD MEMBERS

RICHARD KEITH
BOB MARSTILLER

ALAN R. YORE, Chairman

~~DAVID POWERS~~
KEVIN HAYWOOD

ALTERNATES

KELLY TROY
VACANT

VACANT
VACANT

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1. CALL TO ORDER: 6:48 P.M.
Meeting called to order at 6:48 p.m.
Staff present: Mark Lewis, Building Inspections Director
 2. ROLL CALL
Four members and alternate present
 3. APPROVAL OF MINUTES:
Motion from Alan Yore to approve minutes from Special Called Meeting dated August 1, 2007.

Movant: Richard Keith
Second: Kelly Troy
Vote: 5:0 Motion Passes
 4. DISCUSSION AND POSSIBLE ACTION
A. NONE

5. SPECIAL EXCEPTION REQUESTS

A. **Hill Country Bible Church - 12124 Ranch Road 620 North**

Consider a request for special exceptions to Article 13.01.011 of the City of Cedar Park Code of Ordinances; Sign Standards and Permits.

The special exceptions, which are being requested for 12124 Ranch Road 620 North are as follows:

1. Increase sign height from the 8-feet allowed by ordinance to a height of 12-feet;
2. Increase sign area to allow 37-square feet of sign area including a 28 square foot LED display.

Applicant: Hill Country Bible Church; Agent: Reverend Doug James

Staff Resource Person: Mark Lewis, Building Inspections Director

1) Public Hearing

Mark Lewis, Building Inspections Director, explained the function of the Board. The City of Cedar Park Code of Ordinances, Section 13.01.023 authorizes the Sign Control Board, subject to certain restrictions, to grant special exceptions to ordinance requirements. Mr. Lewis addressed the restrictions and exception criteria in order for the Board to grant special exceptions. The applicant's request does not satisfy all the conditions necessary for the approval of the special exception. Mr. Lewis briefly discussed the applicant's request.

Mr. Lewis stated the elements of the request are not consistent with ordinance requirements. Even though the applicant's argument regarding the visibility of the present sign being somewhat limited has merit, it does not satisfy the criteria in which a special exception should be granted. Regarding the elements dealing with height and size, there appears to be no hardship based on restricted area, topography or physical features of the subject property. Granting the exception would appear to impair the purpose and the intent of the sign ordinance.

Applicant

Reverend Doug James addressed the Board regarding his written appeal for a special exception of the sign ordinance. He stated a larger sign is needed for several reasons; visibility constraints due to the 50 mile per hour speed limit fronting R.M. 620 Hwy, the growth in members that has effected the size of the church which has called for an increase in the number of buildings on the property, logo changes, the hosting of various functions and groups that have requested better event notification postings, along with the Church's overall function and scope changes.

General Discussion followed regarding the request for a special exception: items discussed were the actual location of the current and proposed signs, number of signs the church currently has, total of frontage footage and the fact that sign could not impair use of the adjacent property.

Mr. Yore opened the Public Hearing for Citizen Comment.

Sherry Williams, representing Community Bank spoke in opposition to the request.

Gary Traister, representing Community Bank spoke in opposition to the request.

The public hearing was closed.

- 2) Consider action on special exception request.

Movant: Kelly Troy
Second: Kevin Haywood

Following additional discussion the motion was withdrawn to allow the applicant to provide information regarding the possibility of installing a smaller sign that would come closer to complying with ordinance requirements.

Motion to table the request with instructions to staff to place it on a January 30, 2008 agenda for further consideration.

Movant: Kelly Troy
Second: Richard Keith
Vote: 5:0 Motion passes

6. BOARD MEMBER AND STAFF COMMENTS

Mr. Lewis presented to the board members copies of the latest revised sign ordinance and noted that its effective date is April 1, 2008.

Board members with expiring terms were provided with letters asking that they contact the City regarding their interest in continuing to serve on the Board.

7. ADJOURNMENT

Meeting adjourned at 7:42 p.m.

PASSED AND APPROVED THIS 9th DAY OF JANUARY, 2008

Alan Yore, Chair

ATTEST:

Kevin Haywood
Secretary

MINUTES
CITY OF CEDAR PARK SIGN CONTROL BOARD
SPECIAL CALLED MEETING
JANUARY 30, 2008, 6:45 P.M.
CEDAR PARK LIBRARY - 550 DISCOVERY BOULEVARD

BOARD MEMBERS

RICHARD KEITH
BOB MARSTILLER

ALAN R. YORE, Chairman

~~DAVID POWERS~~
~~KEVIN HAYWOOD~~

ALTERNATES

KELLY TROY
VACANT

VACANT
VACANT

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1. CALL TO ORDER: 6:45 P.M.
Meeting called to order at 6:45 p.m.
Staff present: Mark Lewis, Building Inspections Director
 2. ROLL CALL
Three members and alternate present
 3. APPROVAL OF MINUTES:
Motion from Alan Yore to approve minutes from Special Called Meeting dated January 9, 2008.

Movant: Kelly Troy
Second: Bob Marstiller
Vote: 4:0 Motion Passes
 4. DISCUSSION AND POSSIBLE ACTION
A. NONE

5. SPECIAL EXCEPTION REQUESTS

A. **Hill Country Bible Church - 12124 Ranch Road 620 North**

Consider a request for special exceptions to Article 13.01.011 of the City of Cedar Park Code of Ordinances; Sign Standards and Permits.

The special exceptions, which are being requested for 12124 Ranch Road 620 North are as follows:

1. Increase sign height from the 8-feet allowed by ordinance to a height of 12-feet;
2. Increase sign area to allow 37-square feet of sign area including a 28 square foot LED display.

Applicant: Hill Country Bible Church; Agent: Reverend Doug James
Staff Resource Person: Mark Lewis, Building Inspections Director

6. Motion from Alan Yore to remove tabled agenda item from Special Called Meeting dated January 9, 2008.

Movant: Kelly

Second: Richard

Vote: 4:0 Motion passes

- 1) Mark Lewis, Building Inspections Director, explained that the City of Cedar Park Code of Ordinances, Section 13.01.023 authorizes the Sign Control Board, subject to certain restrictions, to grant special exceptions to ordinance requirements. Mr. Lewis addressed the restrictions and exception criteria in order for the Board to grant special exceptions.

Mr. Lewis noted that the applicant, as requested by the Board had submitted additional information regarding its request. He, additionally, noted that the Board's decision needs to be based solely on the criteria that is stated in the City's Sign Ordinance and that except as they relate to ordinance criteria the Board may not consider any disagreement between the Church and the adjacent landowners in its decision. He agreed that a hardship may exist due to the applicant's dedication of right-a-way for a road expansion that will not be constructed as originally proposed. Due to the change in road plans the Church's dedication was larger than other properties would now be asked to give.

Applicant

Reverend Doug James, representing Hill Country Bible Church addressed the Board regarding his written appeal for a special exception of the sign ordinance. Reverend James restated his request for the special exception as it was originally presented but also wanted the Board to consider an alternative scaled back version. The alternative request was for a nine foot tall sign with 26.5 sq ft of signage. He wanted it noted that he had previously met with an attorney representing Commerce State Bank in August to present a smaller sign option. Reverend James also indicated that he did not have time to read all but the first paragraph of the letter submitted by Keith A. Shuley, attorney representing the bank.

Mr. Alan Yore opened the Meeting for Citizen Comment.

Keith A. Shuley, Attorney representing Community State Bank, spoke in opposition to the request.

Cheri Williams, representing Community State Bank, also spoke in opposition to the request.

General Discussion followed: It was discussed by the Board that in order to grant an exception the request would have to meet all criteria as stated in the ordinance pertaining to special exceptions. After thorough review of the special exception criteria established by the sign ordinance, a vote on the matter was called.

- 2) Consider action on special exception request.

Motion to: approve the smaller of the two signs that were being requested, specifically a nine foot tall sign with a sign area of 26.5 sq ft.

Movant: Kelly Troy

Second: Richard

Vote: 3:1

Board Member, Alan Yore, voted against the motion with comment that the request did not satisfy all of the tests established by the sign ordinance. Specifically, he stated that the exception was not necessary to allow reasonable use of the Church's property. He also stated that the increased setback that had resulted from right-a-way dedication was not unique to the Church's property. It was a condition shared by the adjacent Community State Bank property.

Sign Ordinance Section 13.01.023(i) states: *The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of the director of building inspections, or to decide in favor of the applicant on any matter upon which it is required to pass under this article, or to effect any variation in this article.*

Motion was defeated due to lack of four concurring votes.

Mr. Lewis noted that as per ordinance requirements, Any person or persons, jointly or severally, aggrieved by any decision of the SCB, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to the city secretary, on behalf of the city council, a petition, duly verified, appealing the decision of the SCB. Such petition shall be presented to the city secretary within ten (10) days after the meeting date of the decision by the SCB.

7. BOARD MEMBER AND STAFF COMMENTS
NONE

8. ADJOURNMENT
Meeting adjourned at 7:43 p.m.

PASSED AND APPROVED THIS _____

Alan Yore, Chair

ATTEST:

Kevin Haywood
Secretary

CITY OF CEDAR PARK BOARD OF ADJUSTMENT
SPECIAL CALLED MEETING
WEDNESDAY, SEPTEMBER 3, 2008, 6:45 P.M.
CEDAR PARK LIBRARY - 550 DISCOVERY BOULEVARD

BOARD MEMBERS

RICHARD KEITH
BOB MARSTILLER

ALAN R. YORE, Chairman

PLACE 1 - VACANT
KEVIN HAYWOOD

ALTERNATES

KELLY TROY
AUDREY WERNECKE

VACANT
VACANT

1. CALL TO ORDER:
The Special Called Meeting of the Board of Adjustment was called to order at 6:45 P.M. by Chairman Alan Yore.

2. ROLL CALL
Board Members present were Chairman Alan Yore, Richard Keith, Bob Marstiller, and Kevin Haywood. Alternate Board Member Audrey Wernecke was also in attendance. Alternate Board Member Kelly Troy was absent and quorum was declared.

3. RECOGNITION OF NEW APPOINTEE(S)
Chairman Yore recognized newly appointed Board Member Audrey Wernecke.

4. APPROVAL OF MINUTES: January 18, 2006
Chairman Yore recommended a motion to waive the reading and approve the January 18, 2006 minutes.

Motion: Board Member Marstiller made the motion to waive the reading and approve the January 18, 2006 Minutes. Board Member Keith seconded the motion, the motion passed, 5-0, with one alternate member absent.

5. VARIANCE REQUESTS
 - A. Pat Winkley Variance Request (VR-08-001):
The applicant has filed a variance request for property located at 903 and 909 North Bell Boulevard to allow Used Automobile Sales on a lot which is less than one (1) acre in size. Section 11.02.162(E) of the Zoning Ordinance states that used automotive sales shall be a permitted use on a minimum one (1) acre lot.
Applicant: Pat Winkley; Agent: Steve Meador
Staff Resource Person: Amy Link
 - 1) Public Hearing
 - 2) Consider action on variance request.

Senior Planner, Amy Link presented this agenda item. Representative for the applicant, Steve Meador was present to answer questions.

Chairman Yore opened the public hearing on the above item; the following people addressed the Board: 1.) Larry Plotsky (against Item 5.A.).

There being no further public testimony, the public hearing was closed and the regular session reopened.

Motion: After considerable discussion among the Board Members, Board Member Marstiller moved to deny the variance request for property located at 903 and 909 North Bell Boulevard to allow Used Automobile Sales on a lot which is less than one (1) acre in size. Alternate Board Member Wernecke seconded the motion. The motion passed, 5-0, with one alternate member absent. The request for variance was denied.

6. BOARD MEMBER AND STAFF COMMENTS

Planning Director Duane Smith addressed the Board with a proposal to increase the frequency of Sign Control Board meetings, and the option to meet for the reading and approval of the Minutes written from these meetings.

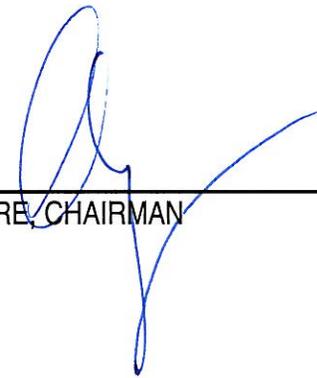
Chairman Yore read the following Petition Procedures into the official record, "Any person or person's jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board."

7. ADJOURNMENT

Chairman Yore recommended a motion to adjourn, Board Member Keith motioned to adjourn. Board Member Haywood seconded the motion, the motion passed, 5-0, with one alternate member absent.

Chairman Yore adjourned The Special Called Meeting of the Board of Adjustment at 7:00 P.M.

PASSED AND APPROVED THE 10TH DAY OF March, 2009.



ALAN R. YORE, CHAIRMAN

ATTEST:


RICHARD KEITH, SECRETARY
KEVIN HAYWOOD