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**DEPARTMENT MEMO**

**DEPARTMENT:** Development Services

**FROM:** Jennifer Pruitt

**MEETING:** July 6, 2020

**SUBJECT:**

**1681 SW Wilshire Boulevard, Firestone (Case 20-046):** Consider approval of a minute order for a variance to the minimum sign setback to Chapter 63, Sign Regulations. *(Staff Presenter: Jenifer Pruitt, Development Services Assistant Director) (No Planning and Zoning Commission action required for this item.)*

**SUMMARY:**

On May 18, 2019, an application was submitted by Steve Meier with FCAC-Burleson, LLC (applicant and owner) for a sign variance to allow a reduced setback for a monument sign. Additionally, a zoning change and commercial site was approved for a 6,424 square-foot Firestone automotive service center on this site by City Council on October 21, 2019.

**Planning Analysis**

The Sign Ordinance contains the following requirement (Section 63-50(a)):

- All freestanding signs shall be setback a minimum ten feet from the property line.

The ordinance defines a freestanding sign as follows (Section 63-20):

- Any non-movable sign not attached to a building and that is not a temporary sign.

The applicant is proposing to locate the monument sign 8-feet and 6-inches from the property line rather than the 10 feet required by the ordinance. This location would allow for a one-foot buffer from the access drive and the 11-foot 6-inch wide sign as well as the requested 8-foot 6-inch setback. The allowable size of a monument sign for a single tenant is 300 square feet with a height limit of 10 feet. A pole sign is not allowed on SW Wilshire south of Elk Drive in order to reduce visual clutter, enhance visual character of SW Wilshire Corridor and to help establish a district character according to the April 2010, 174 Corridor Plan. The sign ordinance was amended in 2015 to support the 174 Corridor plan.

The applicant has optimized the three constraints by reducing the permitted width of the sign, providing a small buffer next to the access driveway and leaving a 8-foot 6-inch setback. Staff supports this waiver given the constraints of the location along with the existing adjacent signage. O'Reilly Auto parts was able to adjust their sign to meet the setback and Burger King reduced the width of their sign to meet the setback requirement.

Per Chapter 63 of Code of Ordinances, a variance to the sign code does not require a public hearing and no adjoining property owner notification. Aside from not meeting the setback, the sign does appear to meet all other criteria of Chapter 63 Sign Regulation. An Easement Use Agreement will be processed through Engineering once the sign requirements are met or a variance is granted.

Approval Standards in Granting a Variance.  
(Chapter 63-Sign Regulations, Section 63-12(b) - Variances):

Consideration	Staff's Findings
Special conditions exist that are peculiar to the land, structure or building 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.	The 24-foot access easement that connects to adjacent properties limits the area available for sign placement.
The strict interpretation of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the vicinity under the terms of this chapter.	Adjacent property owners have existing monument signs in the same general area proposed by the applicant.
Special conditions and circumstances do not result from the actions of the applicant(s) and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences.	The public access easement on this property was established by a plat prior to the development of this property.
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	The requested variance will meet the objectives of the sign ordinance and will not be injurious to the adjoining properties.
Granting the variance will be in harmony with the spirit and purpose of this chapter.	The purpose of the sign ordinance is to promote the creation of an attractive visual environment that promotes a healthy economy while maintaining attractive and harmonious application of signs. The approval of this sign variance does not inhibit this purpose.

**OPTIONS:**

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

**RECOMMENDATION:**

Staff recommends approval of the variance to the minimum sign setback, since the proposed sign will be similar to the adjacent monument signs. Additionally, the sign does not hinder the visual aesthetics of the site or surrounding properties.

**PRIOR ACTION/INPUT (Council, Boards, Citizens):**

The Final Plat for Wilshire West, Lot 5, Block 1 was approved by City Council on February 3, 2020.

A zoning change and commercial site plan were approved for this Firestone site by City Council on October 21, 2019.

The revised Wilshire West Preliminary Plat was approved by City Council on December 12, 2016.

The Wilshire West Preliminary Plat was approved by City Council February 3, 2015.

**PUBLIC NOTIFICATION:**

None required.

**FISCAL IMPACT:**

None.

**STAFF CONTACT:**

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