



**MINUTES OF THE LEON VALLEY  
BOARD OF ADJUSTMENT  
September 28, 2017**

**1. Poll for Attendance, Determination of a Quorum, Call Meeting to Order**

Chairwoman Elizabeth Maloy called the meeting to order at 6:04 pm. Present were Board Members Liz Maloy, Vivian Pankey, Lupita Carpio, Pat Martinez, Lyn Joseph, and Steven Mouser. Also present were Interim Community Development Director Melinda Moritz and Assistant Community Development Director Felisha Novan. There were no members absent.

**2. Approval of the Minutes of the May 25, 2017 Board of Adjustment Meeting**

Board member Joseph made a motion to approve the minutes as written. The motion was seconded by Board member Carpio and the motion carried unanimously.

**3. Board of Adjustment Workshop & Training – with question and answer discussion**

The Board completed one of the three planned Board of Adjustment training exercises and a general discussion was held. It was decided to postpone the other two training exercises until after the hearing for Case No. 2017-215 was held, as the applicant for the case was present.

**4. Presentation, Discussion, Public Hearing, and Possible Action on Board of Adjustment Case No. 2017-215 –a Request by J. Dudley, Applicant, for QuikTrip Corporation, for a Variance to Chapter 15 Zoning, Appendix C. Sustainability, Gateway, and Commercial/Industrial Overlay Standards, II. Overlay Standards – General, Subsection G. Signs, 2. A., to Allow a Fifty (50) Foot Tall Free-standing Pole Sign in a B-2 Retail Sustainability Overlay Zoning District, Generally Located at 6461 Bandera Road, Being Lot 9, Block 1, CB 9925A, Seneca Estates Subdivision Unit #5.**

After being sworn in, Staff member Moritz gave a presentation stating that J. Dudley, applicant, for QuikTrip Corporation, was requesting a variance to the Leon Valley Code of Ordinances, Chapter 15, "Zoning," Appendix C Sustainability, Gateway, and Commercial/Industrial Overlay District Standards, 1. Overlay Districts – General, G. Signs, 2. A , to install a 50 foot tall free-standing pole sign in the B-2 Retail Sustainability Overlay zoning district, located at 6461 Bandera Road, being Lot 9, Block I, CB 9925A, Seneca Estates Subdivision Unit #5. She explained that in 1970, the

property was rezoned from R-1 Single Family to B-2 Retail, as a part of a city-initiated zoning case, and that in 1998; the property was replatted to create two lots, with the southern-most lot being developed as InTown Suites Hotel.

She further explained that the slope of the land in that area dictated that a very large keystone wall had been erected between the two lots, on the InTown Suites property. She noted that the Sustainability Overlay District standards no longer allowed free-standing pole signs, unless the subject property was located along Loop 410 or along the Bandera Road flyover, noting that the subject property was located just north of the flyover. She went on to explain that the proposed sign was 50 feet tall and would have a sign face of 302 square feet.

Ms. Moritz stated that the Board had several options, being to 1) Approve the variance as requested; 2) Approve the variance with conditions; or 3) Deny the variance request in its entirety.

She stated that 17 letters had been mailed to property owners within 200 feet, that none had been received in favor or in opposition to the case, and that none had been returned undeliverable.

Ms. Moritz then told the Board Members that the applicant was present and had prepared a presentation for the Board.

Chairwoman Maloy invited the applicant to the podium to plead his case.

After being sworn in, applicant Mr. J. Dudley, real estate property manager, addressed the Board and gave a presentation, stating that his company had been 15 years on Fortune's List of "100 Best Companies to Work For in America", that they were perennially listed on Forbes' Top 100 Privately Held Companies and that they were currently at number 33 on the list. He noted that QuikTrip generates approximately \$1.2 million in local and state taxes each year per store.

Mr. Dudley then explained that the company creates an average of 20 new jobs per store, would have seven to ten employees at a store at any given time, had never laid off an employee in the history of the company, and that the average Store Manager earned \$80,000 per year. He noted that the average entry level Assistant Manager's starting pay was \$40,000 per year, that QuikTrip contributed 5% percent of its profits to charitable organizations in the communities in which it operates, that QuikTrip is a National Safe Place location for endangered youth, and finally that QuikTrip was a major contributor to Folds of Honor.

He then depicted a site plan of the proposed store and indicated the locations of the proposed signs, stating that the property had several hardships. He explained that the Bandera Road frontage and side frontage along Seneca were mostly taken up by utility easements, with one being 22 foot wide and one being 14 foot wide, which precluded the installation of trees and signage. He noted that the monument sign at the corner of

Bandera and Seneca was not as important to the company as the pole sign, due to the topography of the site. He indicated the movement of the traffic along Bandera and stated that if a tall sign was not installed before the driveway on Bandera, customers would actually miss the driveway and continue on their travels without turning at Seneca to use the other driveway. He noted that the proposed pole sign would have to be located behind the keystone wall, due to the easements, and that, if it were not at least 45 feet high, it would be hidden from view.

Mr. Dudley then explained that they had performed a site inspection and realized that the sign could be less than 50 feet tall and that they were now proposing that the sign be 45 feet tall, with a 107 square foot sign face, which would be consistent with the InTown Suite pole sign. He stated that anything less would be too small to see. He indicated that at that height, the gas pricing portion of the sign would be visible from just above the railing and parking space on the top of the keystone wall. He noted that this request was not self-imposed, but that it was due to a hardship created by the topography of the land.

Board member Joseph asked if the 50 foot tall pole was the same height as a utility pole. Mr. Dudley explained that some were at 40 feet. He explained that they were requesting 45 feet, as this would assure their pricing sign was above the railing on top of the keystone wall.

Chairwoman Maloy asked if they would be relying on the monument sign to capture the traffic traveling south on Bandera Road. Mr. Dudley stated that the monument sign was oriented so that traffic on Seneca would see the sign, but that they may turn the sign slightly to capture the Bandera Road traffic. She then asked how effective the proposed sign would be in capturing traffic that were farther back on Bandera Road. Mr. Dudley stated that he was able to see the railing and parking lot at InTown Suites from the flyover on Bandera Road, so he was confident that a 45 foot tall sign would be sufficient.

Board member Pankey asked the applicant to clarify his intent to change his request for a variance to allow a 45 foot tall pole sign with a 107 square foot face. Mr. Dudley assured her that was the new request.

Chairwoman Maloy stated that Leon Valley had a problem with signage in the past and that a sign ordinance had been created approximately 15 to 16 years previously, to try and alleviate sign clutter. She noted that this sign did not seem to promote sign clutter.

Board member Martinez stated that she agreed that the sign needed to be at the applicant's request, as any other height would be hidden from view by the wall and the trees, and she wanted the store to be successful.

Board member Pankey stated that there was a very tall sign at Seneca Plaza and that the applicant's sign would have to be at least that tall in order to attract customers to compete.

Board member Lyn Joseph made a motion to approve the request for a variance to Chapter 15 Zoning, Appendix C. Sustainability, Gateway, and Commercial/Industrial Overlay Standards, II. Overlay Standards – General, Subsection G. Signs, 2. A., to Allow a Fifty (50) Foot Tall Free-standing Pole Sign in a B-2 Retail Sustainability Overlay Zoning District, Generally Located at 6461 Bandera Road, Being Lot 9, Block 1, CB 9925A, Seneca Estates Subdivision Unit #5.

Mrs. Joseph stated that there were special circumstances applicable to the property which, if strictly enforced, would deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and which were not self-imposed; and that this variance would not be a grant of special privilege to the applicant; and that it was also found that because of physical circumstances of the topography of the land, no reasonable use can be made of the property without this variance; that there would be no adverse effect from the granting of the variance; that light or air would not be impaired to adjacent property; that congestion would not be substantially increased; that neighborhood property values would not be substantially impaired; that the amount of the variance was the minimum needed to afford relief; and that the conditions imposed included the restriction of the sign height to forty-five (45) feet and the limitation of the sign face be 107 square feet.

The motion was seconded by Board member Vivian Panky. The motion carried unanimously.

The Board then moved on to complete the remaining two training cases.

## 5. ANNOUNCEMENTS

None.

## ADJOURN

There being no further request for discussion, Board Member Joseph moved to adjourn the meeting. Board Member Carpio seconded the motion and the motion carried unanimously by voice vote.

TIME: 6:40 p.m.

Oliver R. Maloy  
Chair

1-9-18  
Date