

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday February 12, 2018

CASE NUMBER: C16-2018-0001

☒ Y ☐ Brooke Bailey
☒ N ☐ William Burkhardt
☐ - ☐ Christopher Covo (OUT)
☒ N ☐ Eric Goff
☒ Y ☐ Melissa Hawthorne
☒ Y ☐ Bryan King
☒ N ☐ Don Leighton-Burwell
☒ Y ☐ Rahm McDaniel
☒ Y ☐ Veronica Rivera
☒ N ☐ James Valadez
☒ N ☐ Michael Von Ohlen
☒ Y ☐ Kelly Blume (Alternate)
☐ - ☐ Martha Gonzalez (Alternate)
☐ - ☐ Pim Mayo (Alternate)

APPLICANT: Clive Hartsfield

OWNER: Micah Dowdy

ADDRESS: 12901 IH 35 SVRD NB

VARIANCE REQUESTED: The applicant has requested a variance(s) to Section 25-10-123(B)(3)(Expressway Corridor Sign District Regulations) to increase the maximum allowable sign height from 35 feet (required/permitted) to 42 feet (requested) in order to replace an existing sign with a new, higher sign at this site in the Expressway Corridor Sign District within a "CS-CO", General Commercial Services – Conditional Overlay zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to March 12, 2018, Board Member Veronica Rivera second on an 6-5 vote (Board members William Burkhardt, Eric Goff, Don Leighton-Burwell, James Valadez, and Michael Von Ohlen nay); **POSTPONED TO MARCH 12, 2018.**

FINDING:

1. The variance is necessary because strict enforcement of the Article prohibits and reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscape, or topography, because:

OR,

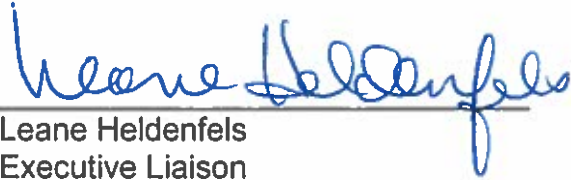
2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because:

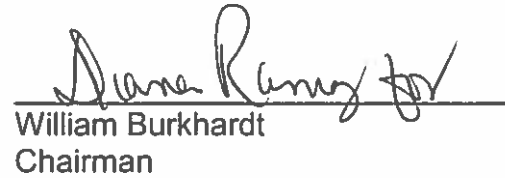
OR,

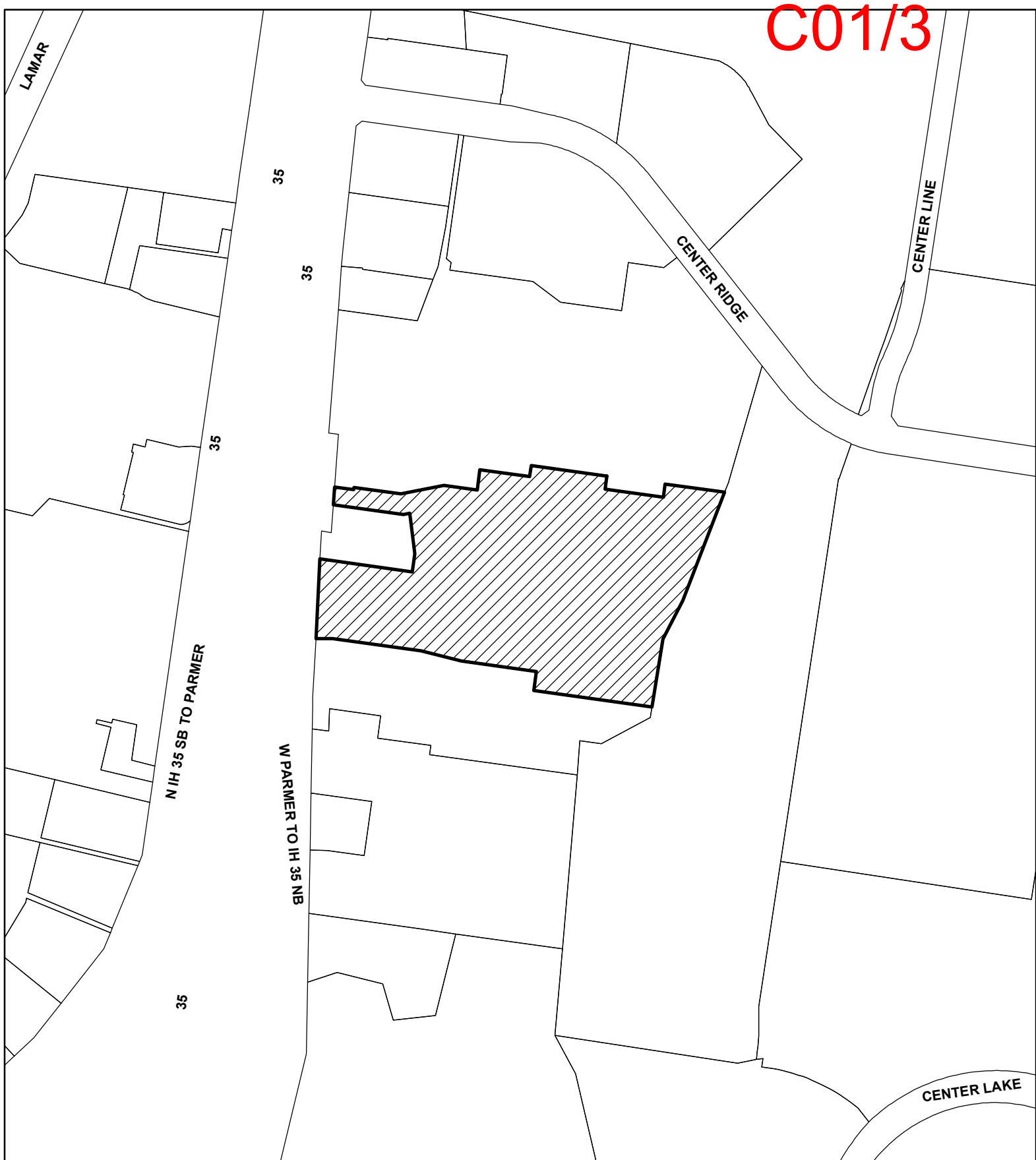
3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because:

AND,

4. Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because:


Leane Heldenfels
Executive Liaison


William Burkhardt
Chairman



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C16-2018-0001

LOCATION: 12901 N IH 35 Service Rd. NB



1" = 387'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Board of Adjustment Sign Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: _____

Subdivision Legal Description:

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: _____

Sign District: _____

I/We _____ on behalf of myself/ourselves as

authorized agent for _____ affirm that on

Month _____, Day _____, Year _____, hereby apply for a hearing before the

Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: _____

Type of Sign: _____

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. In order to grant your request for a variance, the Board must first make one or more of the findings described under 1, 2, and 3 below; the Board must then make the finding described in item 4 below. If the Board cannot make the required findings, it cannot approve a sign variance.

Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

I contend that my entitlement to the requested variance is based on the following findings:

1. The variance is necessary because strict enforcement of the Article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of the site such as dimensions, landscaping, or topography, because:

—OR—

2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because:

—OR—

3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because:

AND,

4. Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because:

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: _____ Date: _____

Applicant Name (typed or printed): _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: _____ Date: _____

Owner Name (typed or printed): _____

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____



October 9, 2017

VIA OVERNIGHT DELIVERY:

RD Management LLC
810 Seventh Avenue, 10th Floor
New York, New York 10019,
Attention: Legal Department

WITH A COPY VIA EMAIL TO:

Chris Greene (cgreene@rdmanagement.com)

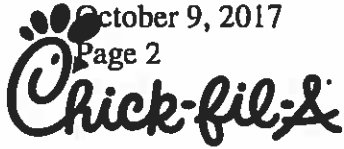
Re: Request for Plan Approval for Chick-fil-A, Inc. ("CFA") Restaurant located at 12901 I-35 N. Service Rd., Building 14, Austin, Texas 78753 (the "Property")

Dear Mr. Greene:

CFA desires to increase the height of its main sign on the above-referenced Property from 25 feet to 42 feet in accordance with the plans enclosed herewith (the "CFA Plans"). It is our understanding that the below-listed Delaware limited liability companies, as tenants-in-common (the "TP Entities"), have approval rights for these improvements as Approving Party pursuant to Section 5.3(A) of the Operation and Easement Agreement dated September 12, 2002, recorded September 13, 2012 at Document No. 2002171409 in the Official Public Records of Travis County, Texas (as amended, the "OEA"):

1. RB TP Tech Ridge LLC (f/k/a RD Austin Properties LLC);
2. GB TP Tech Ridge LLC;
3. JB TP Tech Ridge LLC;
4. 309 TP Tech Ridge LLC;
5. RA TP Tech Ridge LLC;
6. JL TP Tech Ridge LLC;
7. ML TP Tech Ridge LLC; and
8. EL TP Tech Ridge LLC.

In addition, it is our understanding that the below-listed Delaware limited liability companies, as tenants-in-common (the "Tech Ridge Entities"), have approval rights for these improvements (i) as Approving Party pursuant to Section 5.3(A) of the OEA, and (ii) under that certain Restrictive Covenant, Development and Operating Agreement dated August 27, 2004, recorded August 31, 2004 at Document No. 2004167608, aforesaid records (as amended, the "ECR"):



1. RB Tech Ridge LLC (f/k/a RD Austin Shopping Centers LLC);
2. GB Tech Ridge LLC;
3. JB Tech Ridge LLC;
4. 309 Tech Ridge LLC;
5. RA Tech Ridge LLC;
6. JL Tech Ridge LLC;
7. ML Tech Ridge LLC; and
8. EL Tech Ridge LLC.

Per this letter, CFA kindly requests the TP Entities' and Tech Ridge Entities' consent and approval of the CFA Plans.

If the CFA Plans are acceptable, please indicate the TP Entities' and Tech Ridge Entities' approval by having an authorized party(ies) execute this letter in the space provided below. If the TP Entities and/or Tech Ridge Entities have any comments or concerns to the CFA Plans, please provide those in writing to my attention at the address set forth above.

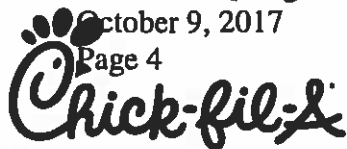
PLEASE NOTE THAT PURSUANT TO SECTION 6.5(B) OF THE OEA, THE TP ENTITIES' REPOSE IS REQUIRED TO BE GIVEN WITHIN THIRTY (30) DAYS OF ITS RECEIPT OF THIS REQUEST, AND FAILURE TO RESPOND WITHIN THE APPLICABLE TIME PERIOD WILL BE DEEMED AN APPROVAL BY THE TP ENTITIES AND THE TECH RIDGE ENTITIES.

IN ADDITION, PLEASE NOTE THAT PURSUANT TO SECTION 3.1 OF THE ECR, ANY DISAPPROVAL MUST BE PROVIDED WITHIN TWENTY (20) DAYS OF THE DATE OF REQUEST FOR APPROVAL, AND IF THE TECH RIDGE ENTITIES FAIL TO RESPOND TO ANY REQUEST BY CFA FOR SUCH APPROVAL WITHIN SUCH TWENTY (20) DAY PERIOD, SUCH PLANS SHALL BE DEEMED APPROVED.

The TP Entities, Tech Ridge Entities and CFA hereby further agree that the covenants, conditions and agreements contained in this letter will bind and inure to the benefit of the TP Entities, the Tech Ridge Entities and CFA and their respective heirs, successors, successors in title, administrators and assigns. The TP Entities hereby represent and warrant to CFA that the TP Entities, as tenants-in-common, are the correct and authorized Approving Party for the Target Tract as set forth in Section 1.1 of the OEA, and that the TP Entities are not aware of any amendments to the OEA or other documents assigning the Approving Party status for the Target Tract to any other party. The Tech Ridge Entities hereby represent and warrant to CFA that the Tech Ridge Entities, as tenants-in-common, are the correct and authorized Approving Party for the Developer Tract as set forth in Section 1.1 of the OEA, and that the Tech Ridge Entities are not aware of any

October 9, 2017

Page 4

**RA TP TECH RIDGE LLC**

By: [Signature]
 Name: RICHARD BIRDOFF
 Title: MANAGER

JL TP TECH RIDGE LLC

By: [Signature]
 Name: RICHARD BIRDOFF
 Title: MANAGER

[Signatures continue on following page.]

TP ENTITIES: (CONTINUED)**ML TP TECH RIDGE LLC**

By: [Signature]
 Name: RICHARD BIRDOFF
 Title: MANAGER

EL TP TECH RIDGE LLC

By: [Signature]
 Name: RICHARD BIRDOFF
 Title: MANAGER

TECH RIDGE ENTITIES:**RB TECH RIDGE LLC**

By: [Signature]
 Name: RICHARD BIRDOFF
 Title: MANAGER

GB TECH RIDGE LLC

By: [Signature]
 Name: RICHARD BIRDOFF
 Title: MANAGER

JB TECH RIDGE LLC

By: [Signature]
 Name: RICHARD BIRDOFF
 Title: MANAGER

309 TECH RIDGE LLC

By: [Signature]
 Name: RICHARD BIRDOFF
 Title: MANAGER

RA TECH RIDGE LLC

By: [Signature]
 Name: RICHARD BIRDOFF
 Title: MANAGER

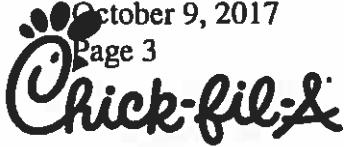
JL TECH RIDGE LLC

By: [Signature]
 Name: RICHARD BIRDOFF
 Title: MANAGER

TP Entities [Target Tract] & Tech Ridge Entities [Developer Tract]

October 9, 2017

Page 3



amendments to the OEA or other documents assigning the Approving Party status for the Developer Tract to any other party.

If you have any questions or concerns or require additional information, please contact me immediately at (770) 539-0726.

Thank you in advance for your prompt attention to this matter.

Very truly yours,

Graham Rodgers
Asset Management – Existing Restaurants
Chick-fil-A, Inc.

Notwithstanding the terms of the OEA and ECR, the TP Entities and Tech Ridge Entities, as applicable, hereby approve the CFA Plans and hereby agree that the terms of the OEA and ECR, as applicable, are hereby satisfied with respect to the CFA Plans as of this 11th day of November, 2017.

TP ENTITIES:

RB TP TECH RIDGE LLC

By:
Name: RICHARD BIRDOFF
Title: MANAGER

GB TP TECH RIDGE LLC

By:
Name: RICHARD BIRDOFF
Title: MANAGER

JB TP TECH RIDGE LLC

By:
Name: RICHARD BIRDOFF
Title: MANAGER

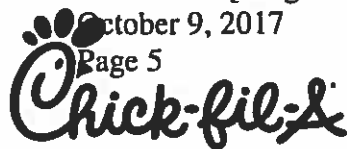
309 TP TECH RIDGE LLC

By:
Name: RICHARD BIRDOFF
Title: MANAGER

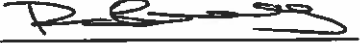
TP Entities [Target Tract] & Tech Ridge Entities [Developer Tract]

October 9, 2017

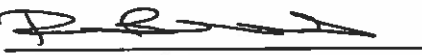
Page 5



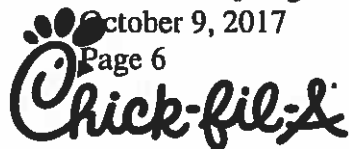
ML TECH RIDGE LLC

By: 
Name: RICHARD BIRDOFF
Title: MANAGER

EL TECH RIDGE LLC

By: 
Name: RICHARD BIRDOFF
Title: MANAGER

[Lender consent appears on following page.]

**CONSENT**

Peter S. Graf, as trustee, for the benefit of Ladder Capital Finance LLC, a Delaware limited liability company ("**Lender**"), and Lender, as holder of a security interest in the Target Tract and certain real property comprising a portion of the Developer Tract (as such terms are defined in the OEA), under that certain Deed of Trust, Assignment of Leases and Rents and Security Agreement dated December 28, 2016, recorded December 29, 2016 as Instrument No. 2016215447 in the official records of Travis County, Texas, and under that certain Assignment of Leases and Rents dated December 28, 2016, recorded December 29, 2016 as Document No. 2016215448, aforesaid records, do hereby acknowledge and consent to the execution and delivery of the foregoing letter agreement to which this consent is attached, it being the intent of such consent that all rights and obligations set forth in this letter agreement shall be unaffected and continue in full force and effect if the undersigned, or their successors or assigns, should foreclose upon the real property described in its security documents, or otherwise exercises its rights thereunder.

LENDER:

LADDER CAPITAL FINANCE, LLC,
a Delaware limited liability company

By: _____

Name: _____

Title: _____

Enclosures

cc: Ashanti Hunt, Esq.
Jordan Kukler
Stacy Burge



VICINITY MAP

N.T.S.

NORTH



AERIAL VIEW

N.T.S.

KRISTEN HA
KHamilton
SCARLETT QI
SQuintero:



A

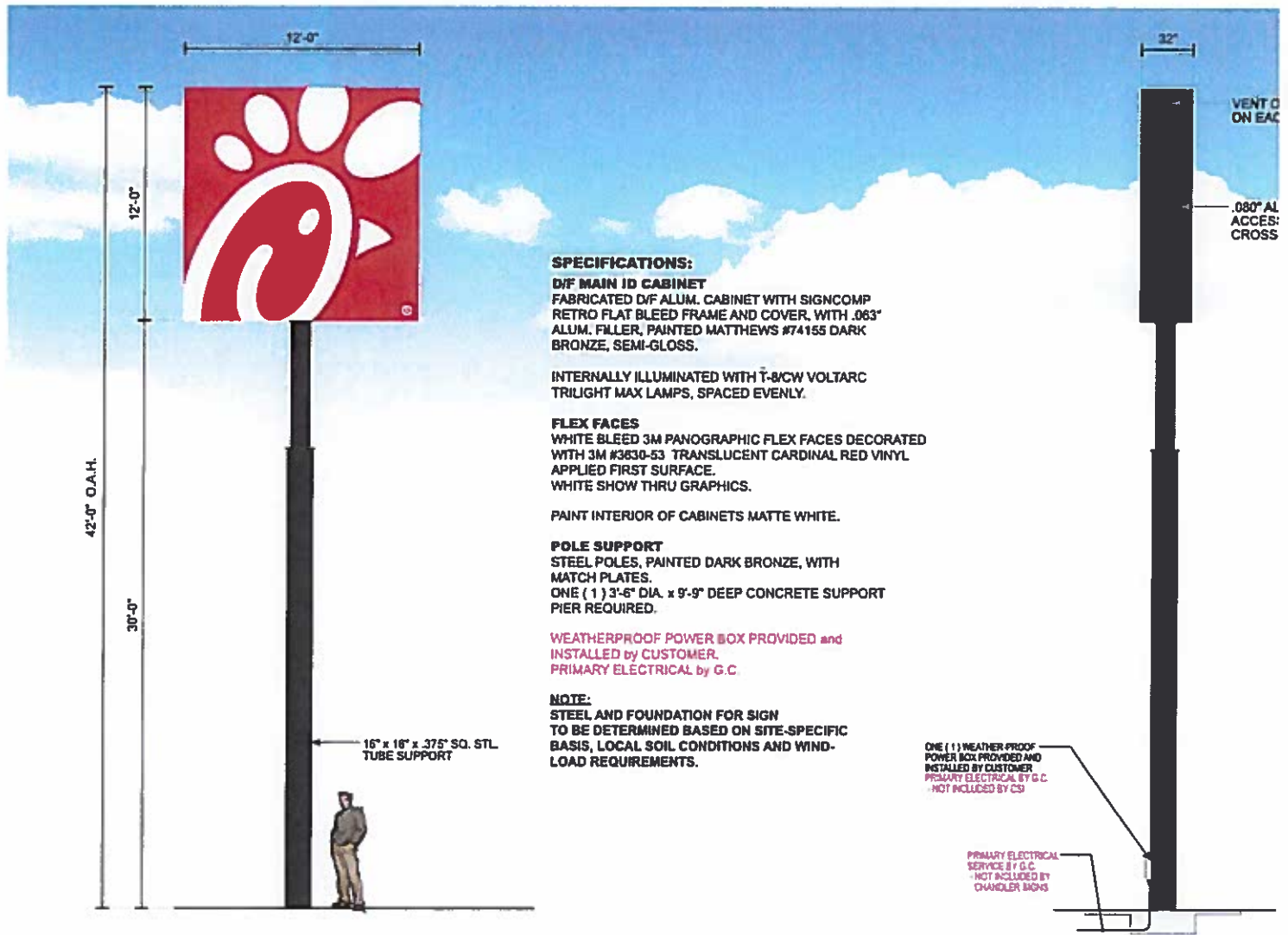
REMOVE D/F CFA PYLON

N.T.S.

ONE (1) ITEM TO BE REMOVED

REMOVE AND DISCARD EXISTING D/F CFA PYLON AND CONCRETE FOOTER AS REQUIRED.

RE-USE EXISTING ELECTRICAL FOR NEW CFA PYLON.



B D/F PYLON SIGN

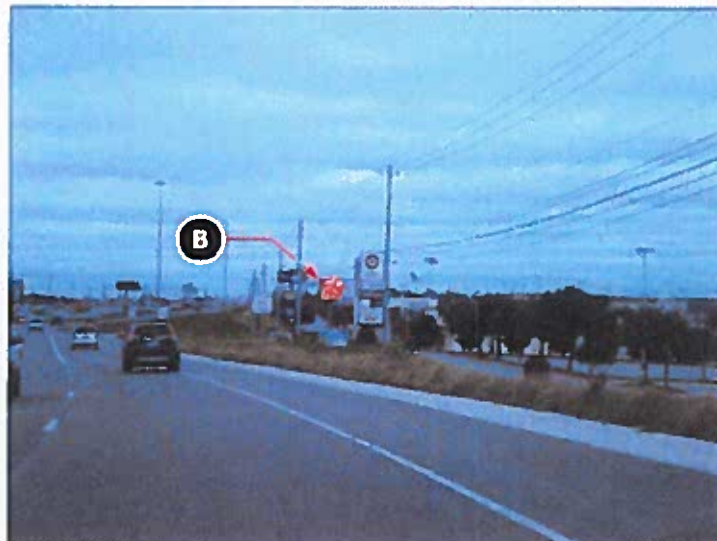
ONE (1) REQUIRED - MANUFACTURE AND INSTALL

SCALE: 3/16" = 1'-0"

144 SQ. FT.



LARGE HILL LIMITS VISIBILITY



(LON (AFTER)

N.T.S.

**YLON IS LIMITED TO 35' VISIBILITY DUE TO
AND LARGE GRASS HILL BETWEEN ROADWAY AND PYLON**



Pylon Sign Survey

Chick-fil-A at I-35 and Parmer, Austin, TX



Survey Prepared by:



Chandler Signs

July 28, 2010

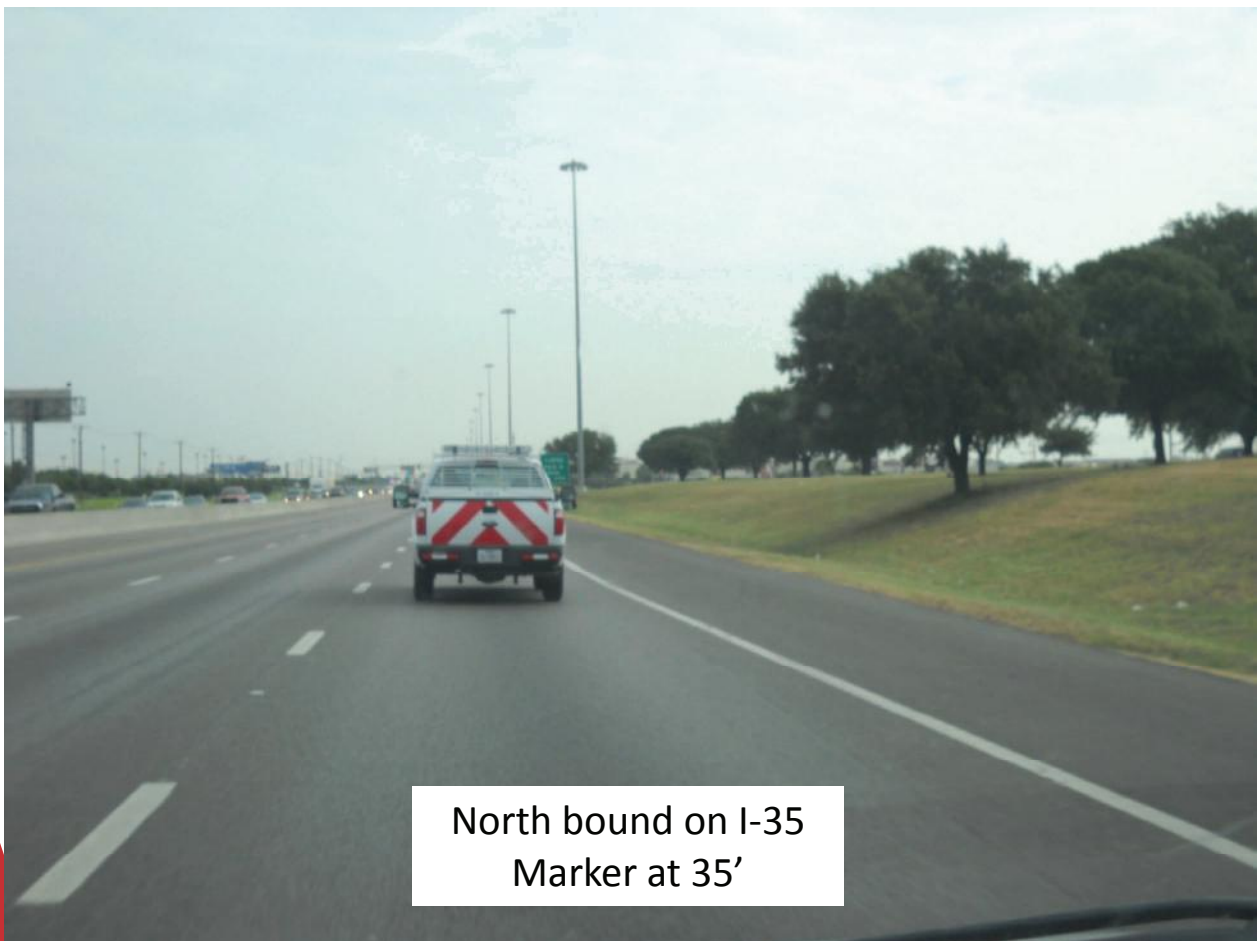
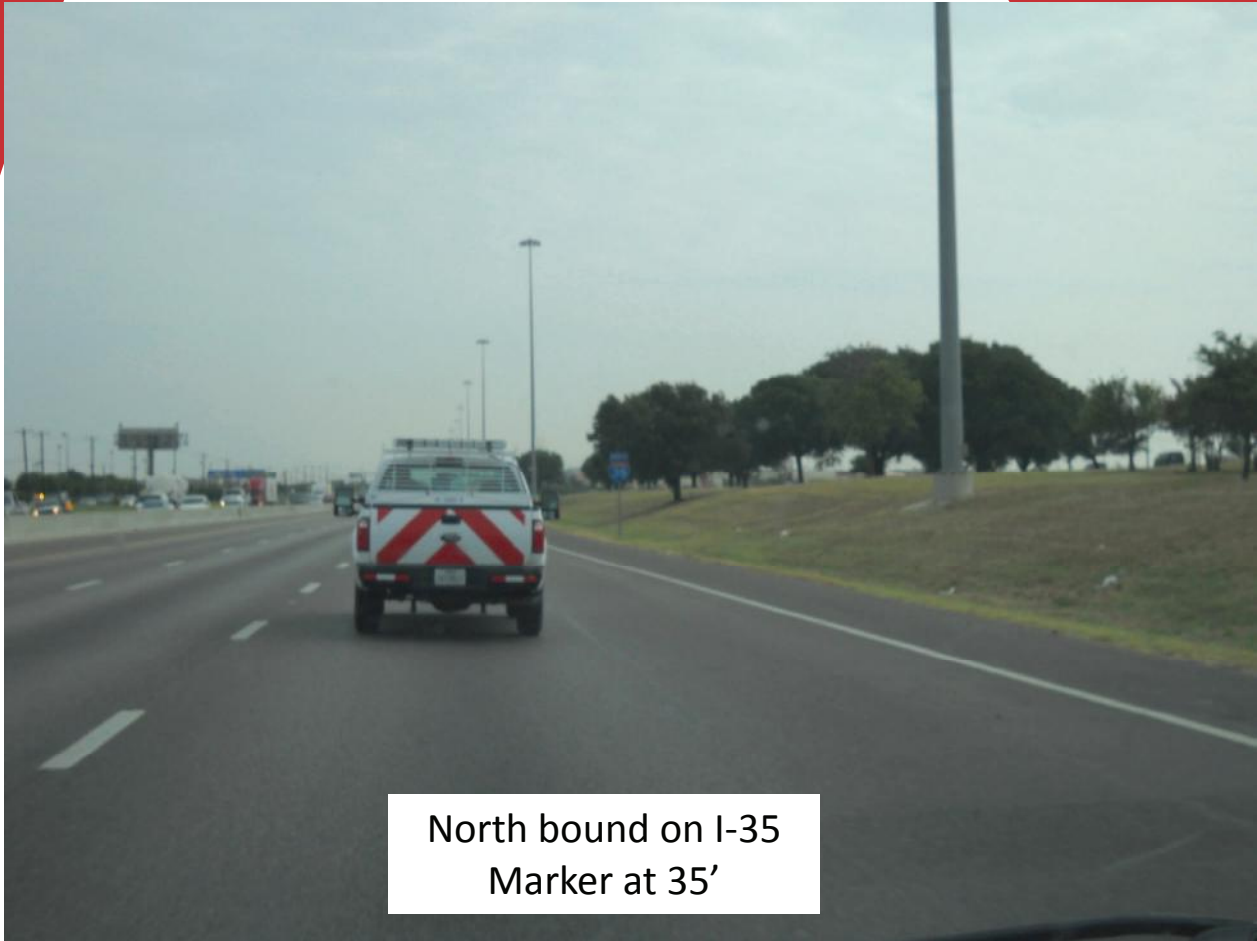
Evaluation of Chick-fil-A Pylon Sign

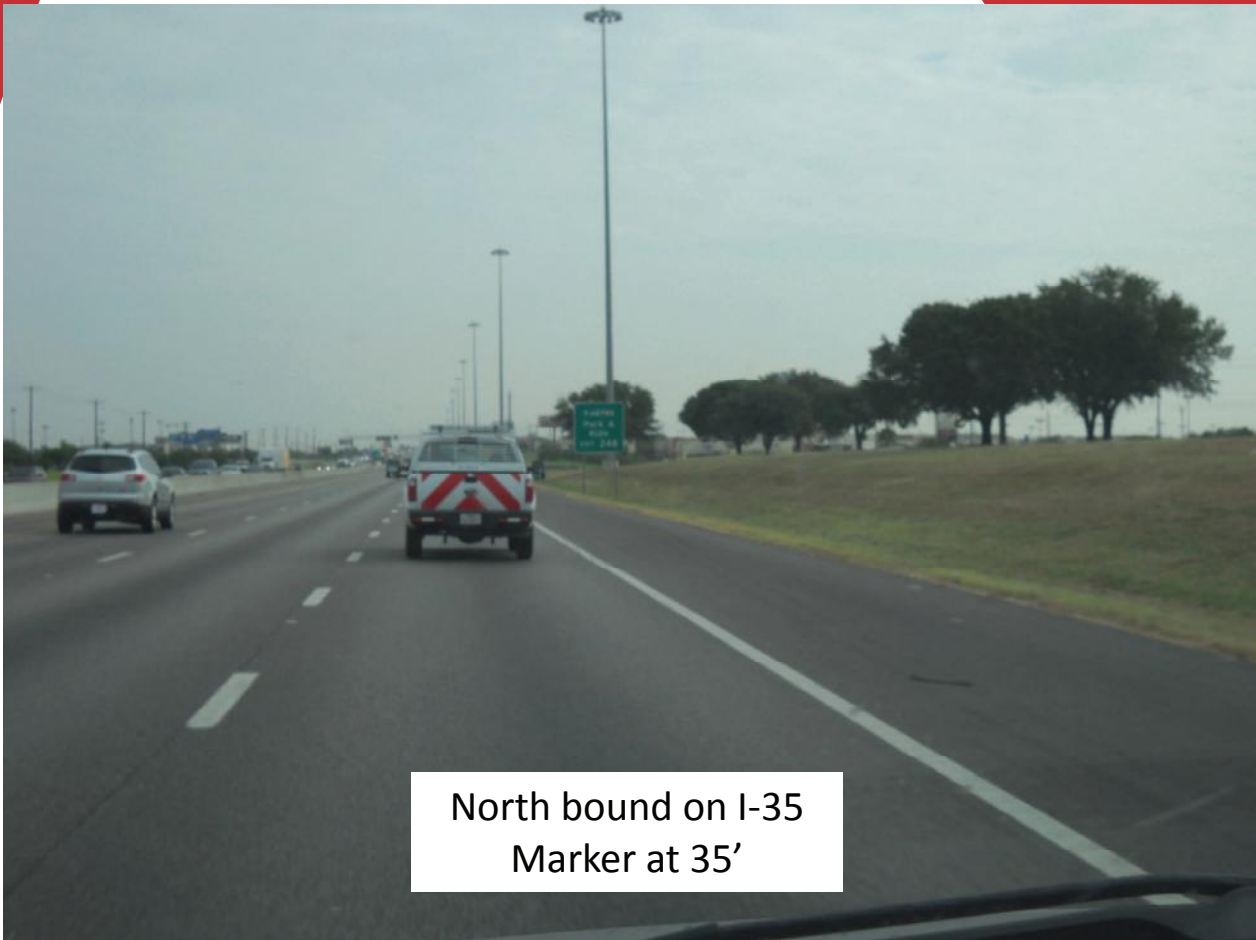
A. Visibility

1. Southbound on I-35, 35' OAH and 42' OAH
 - a. Overall, the sign remains unobstructed by any stationary objects at its current height. The periodic obstructions occur when large tractor-trailers and oversized vehicles temporarily obstruct the sign entirely for a few seconds.
 - b. The visibility is improved greatly at the 35' height and is excellent at the 42' height.
2. Northbound on I-35, 35' OAH and 42' OAH
 - a. Current sign is obstructed by trees along I-35. These trees were planted by the Texas Department of Transportation and cannot be relocated or trimmed. The sign does not come into clear view when northbound on I-35 until drivers are past the trees. Current visibility of pylon sign to northbound drivers is fair. We would not rate it at poor or good, just fair.
 - b. The trees will obstruct the pylon if the height is increased to 42' but the visibility of the pylon is still greater at 42' than at the current 25'. We would rate this visibility to be great, better than good.

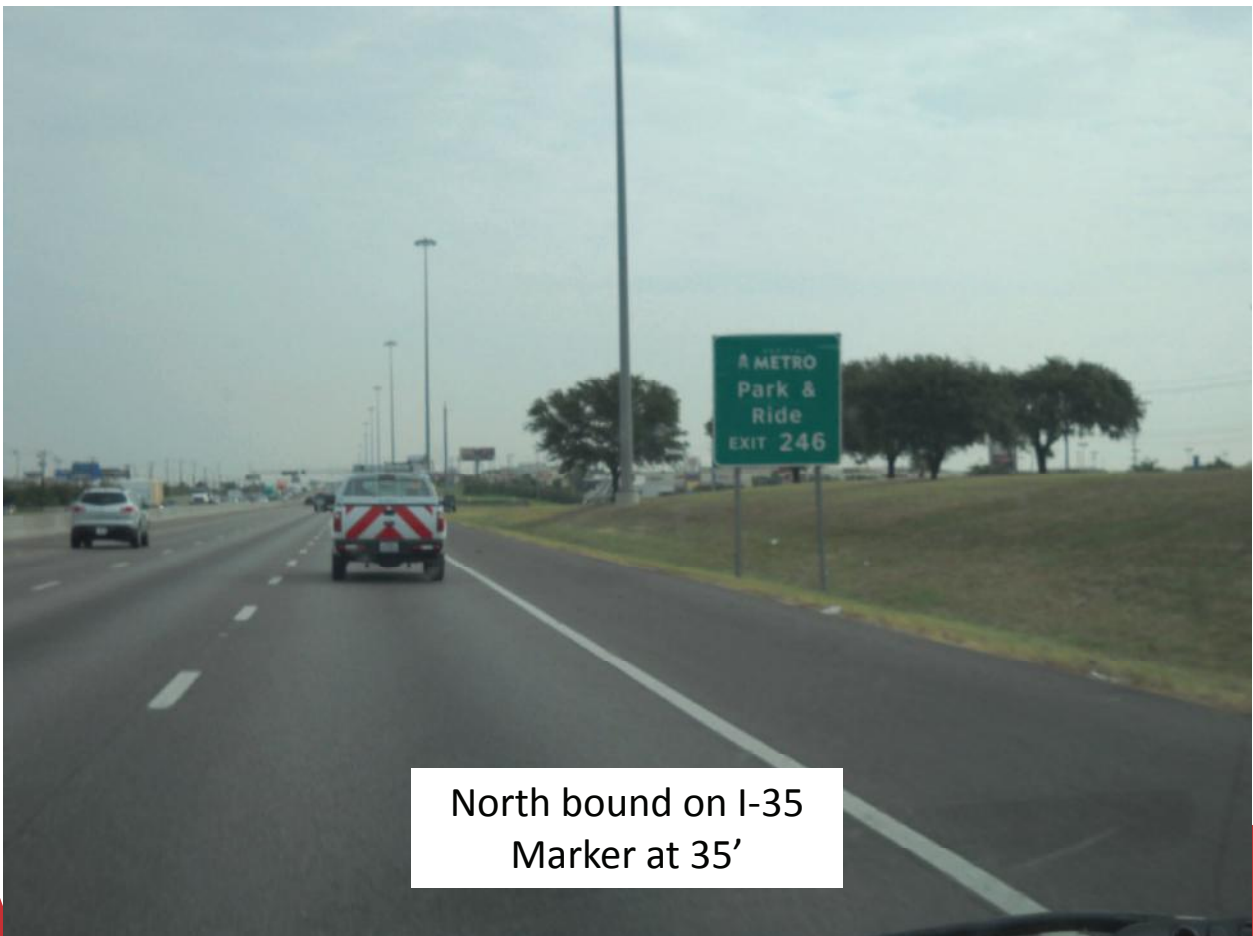
B. Install

1. It is our recommendation that install be in the same general area of the existing sign because of visibility, traffic flow, and existing electrical. The existing 16" x 16" stub pipe on the existing cabinet can be removed and reused on a larger pylon structure, with proper engineering and kick and stop rings as determined by an engineer.
2. All existing defects on the connection between cabinet sign structure and stub pipe to be corrected (poor welding, plug welds, etc.)
3. A hole digger will be required to install a new pylon sign and there is limited access to the area where the new pylon sign should be installed.

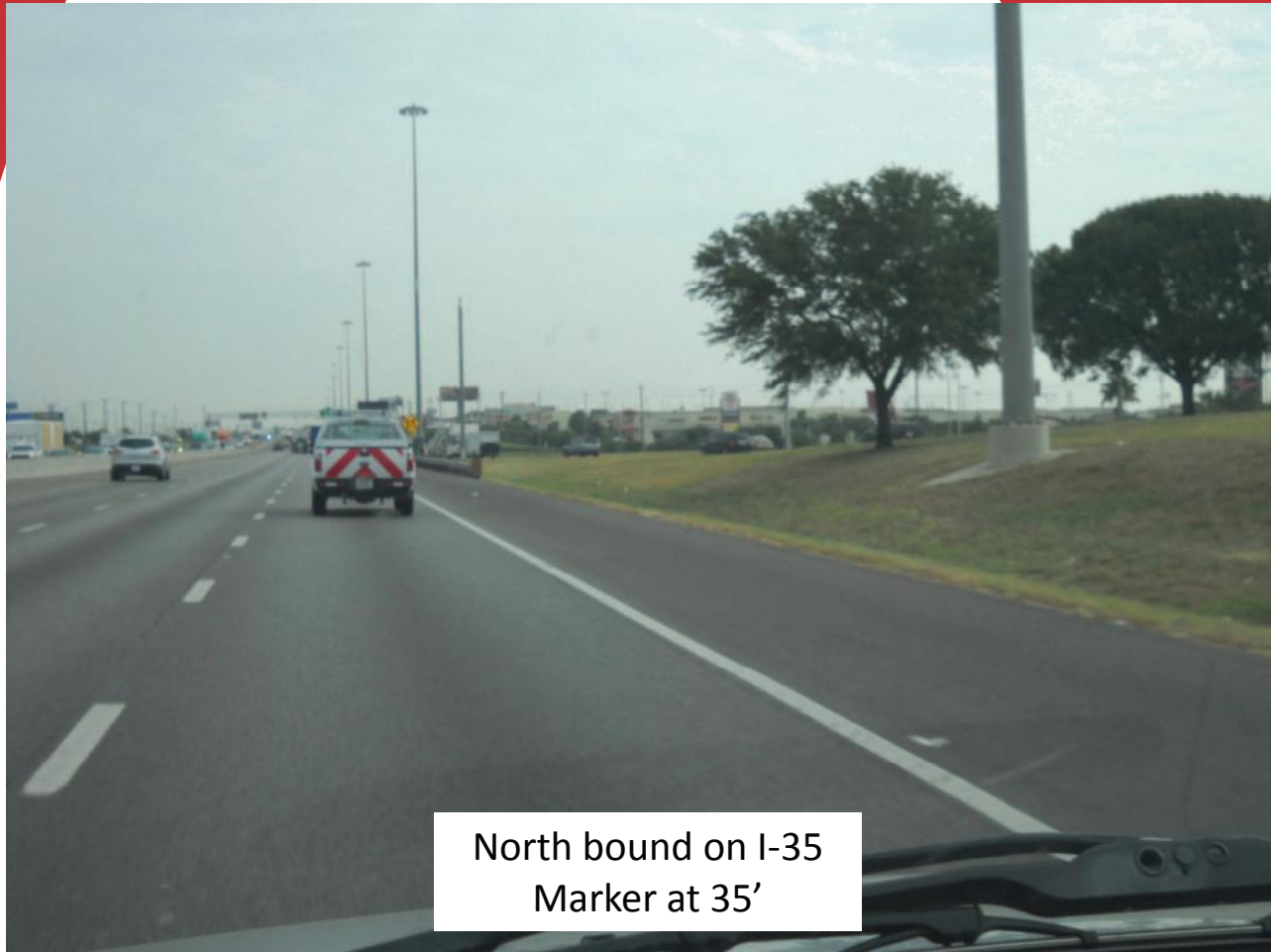




North bound on I-35
Marker at 35'

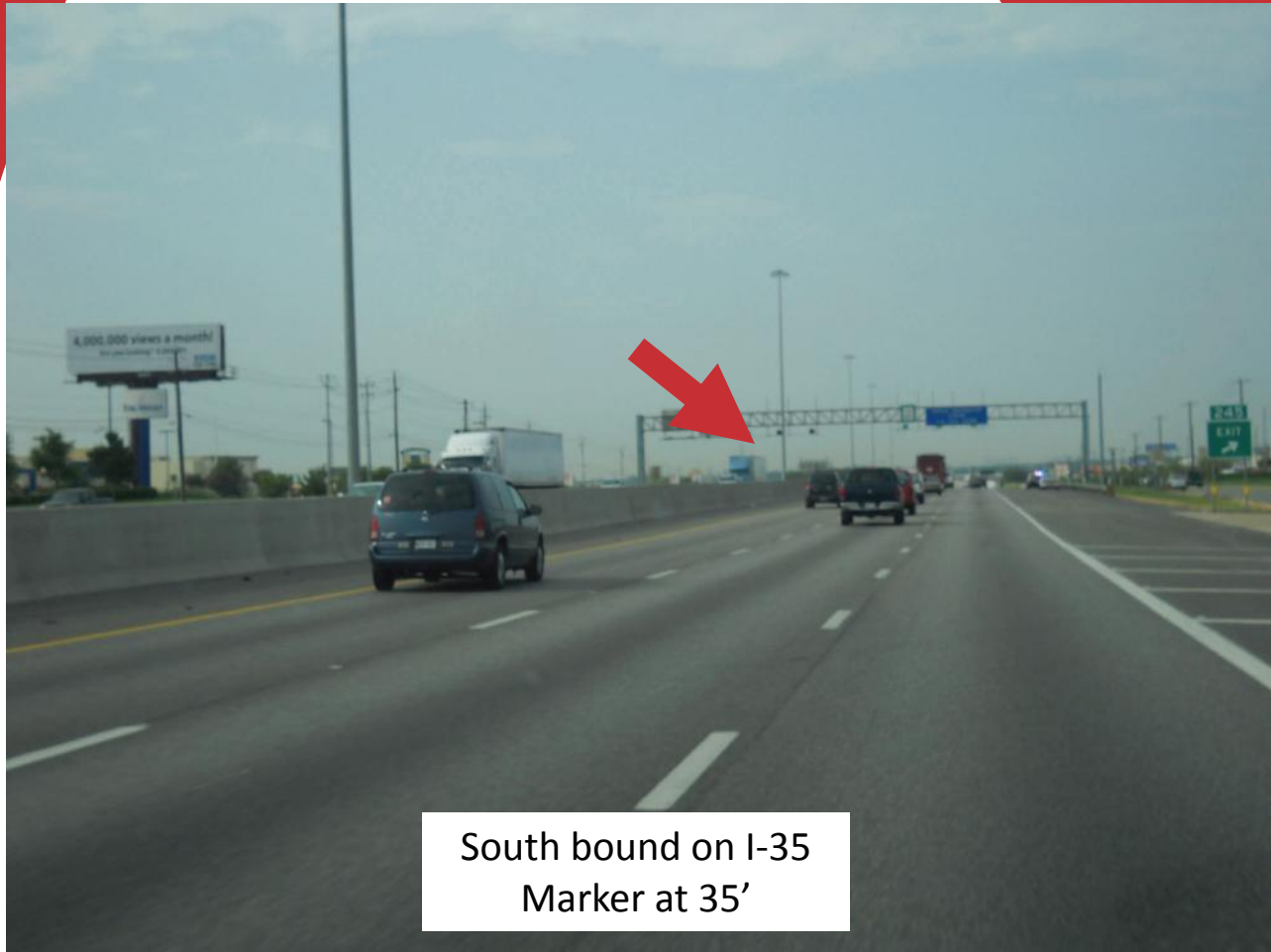


North bound on I-35
Marker at 35'



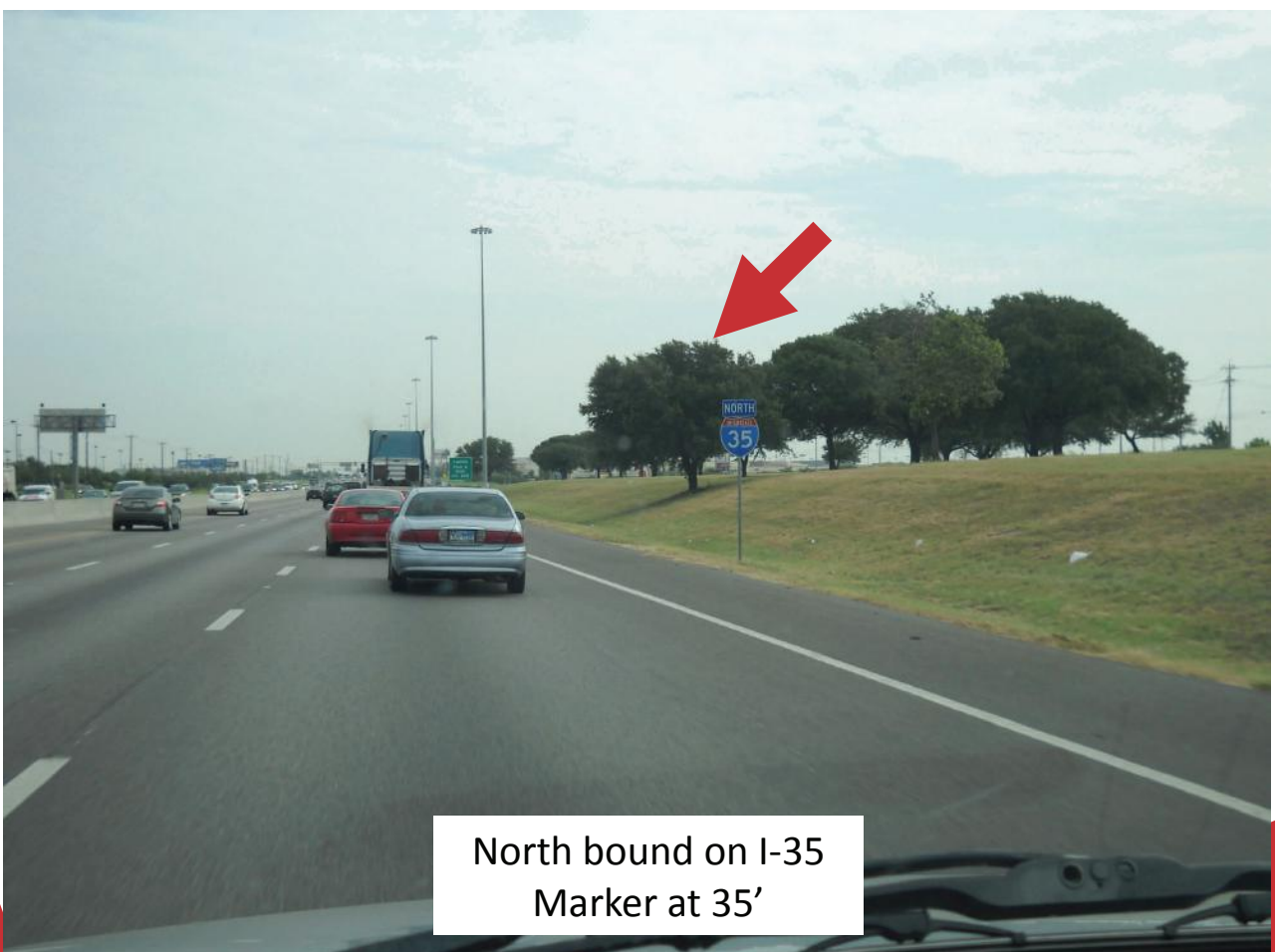


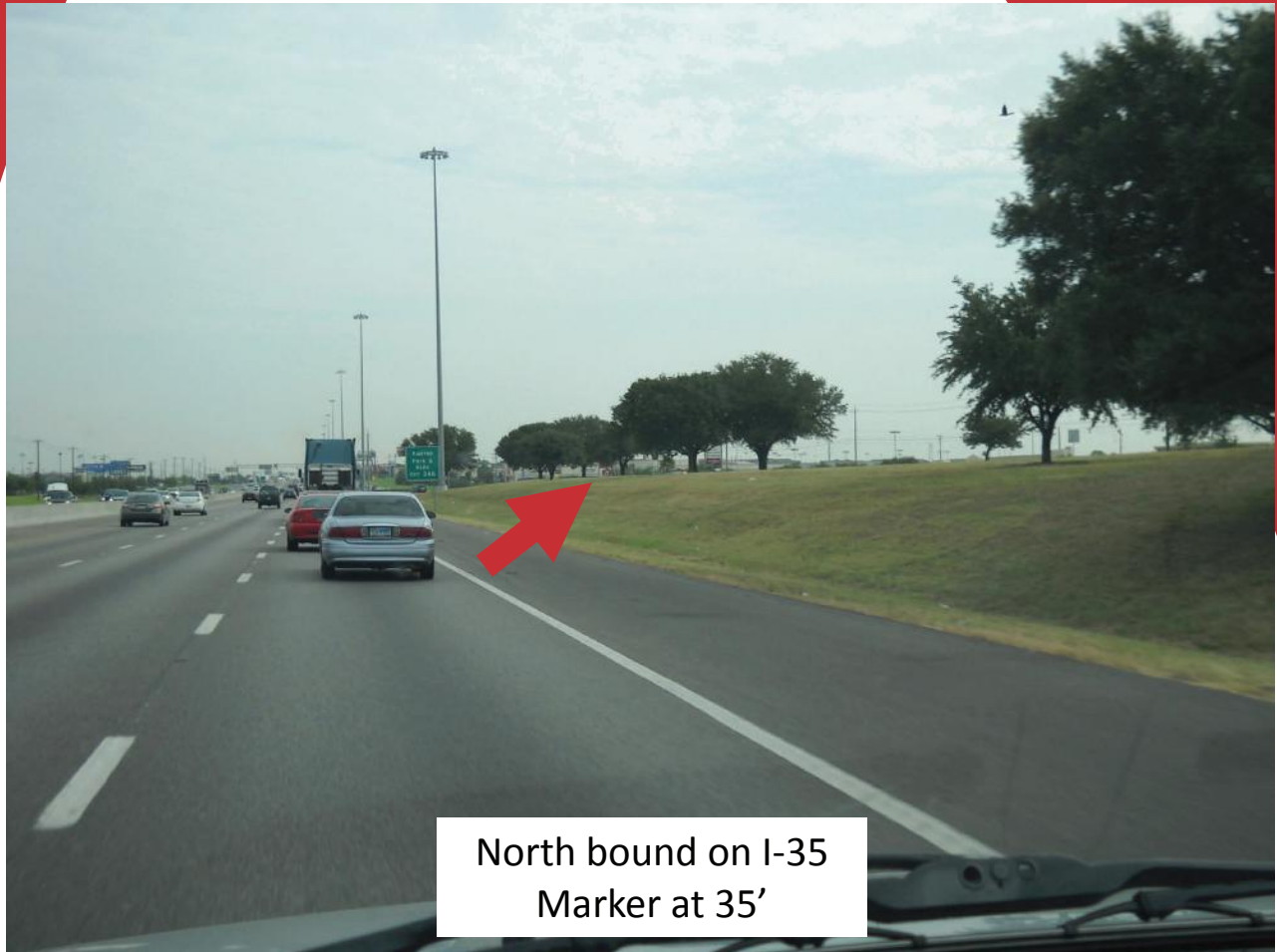


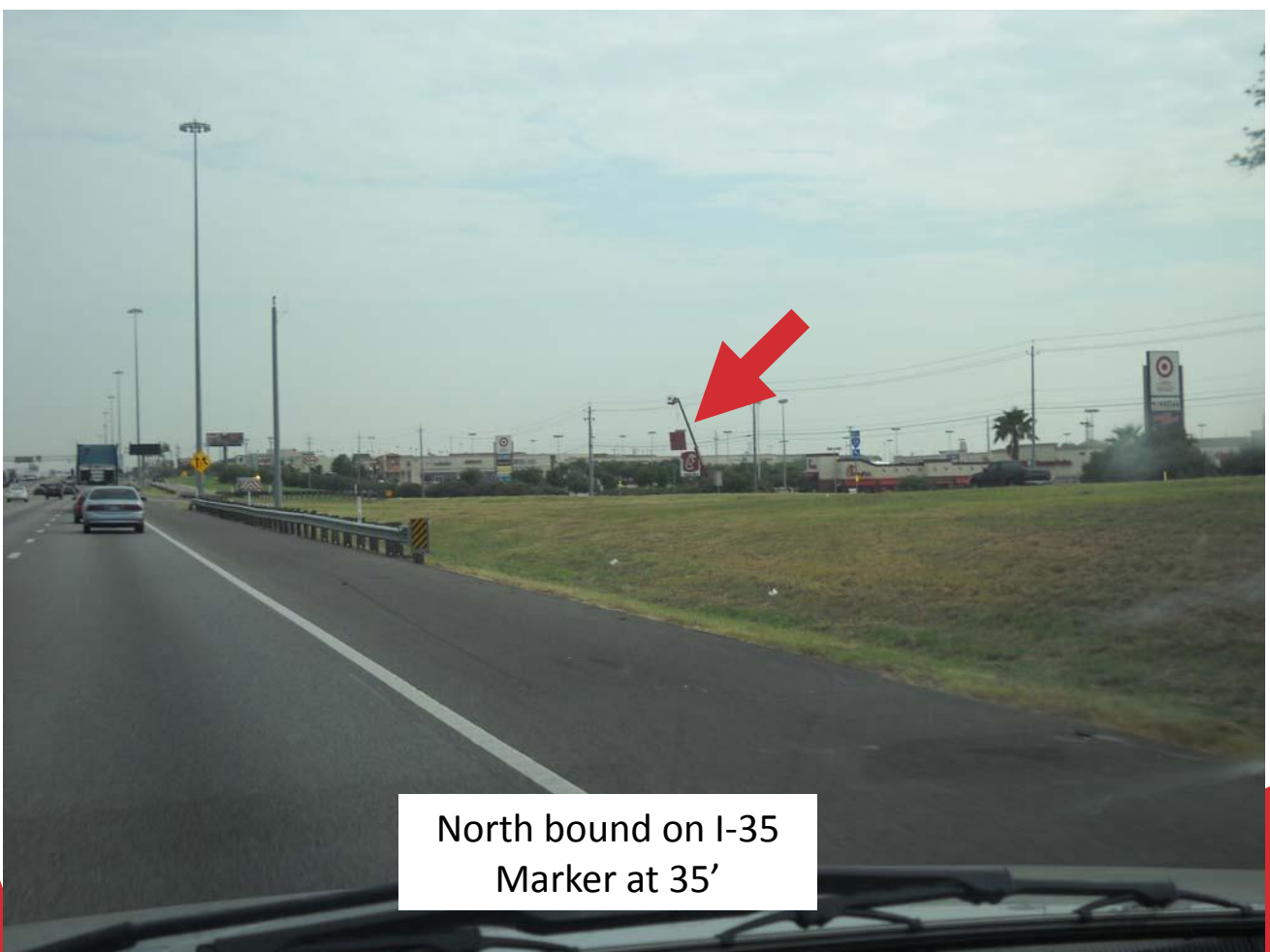










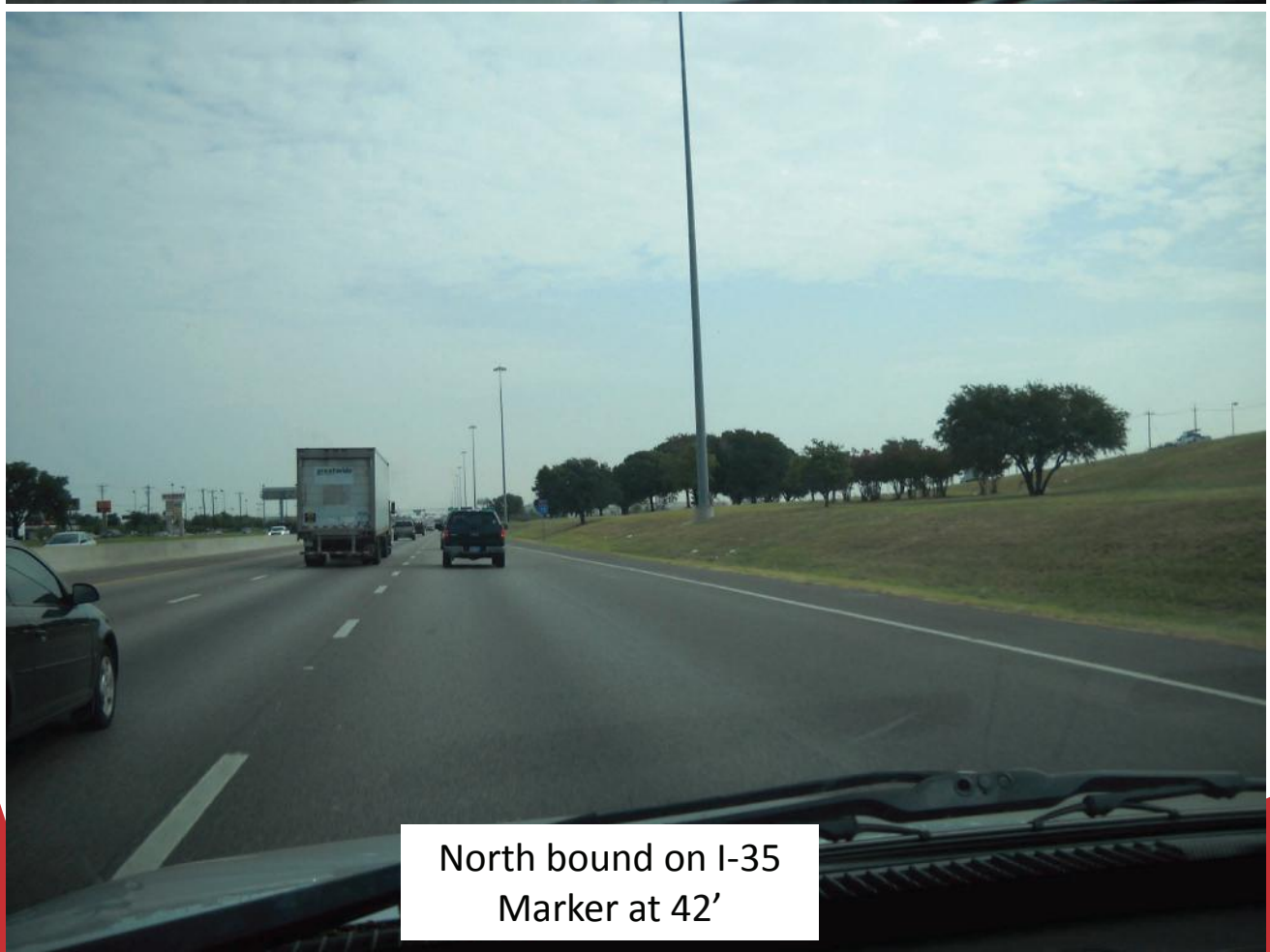
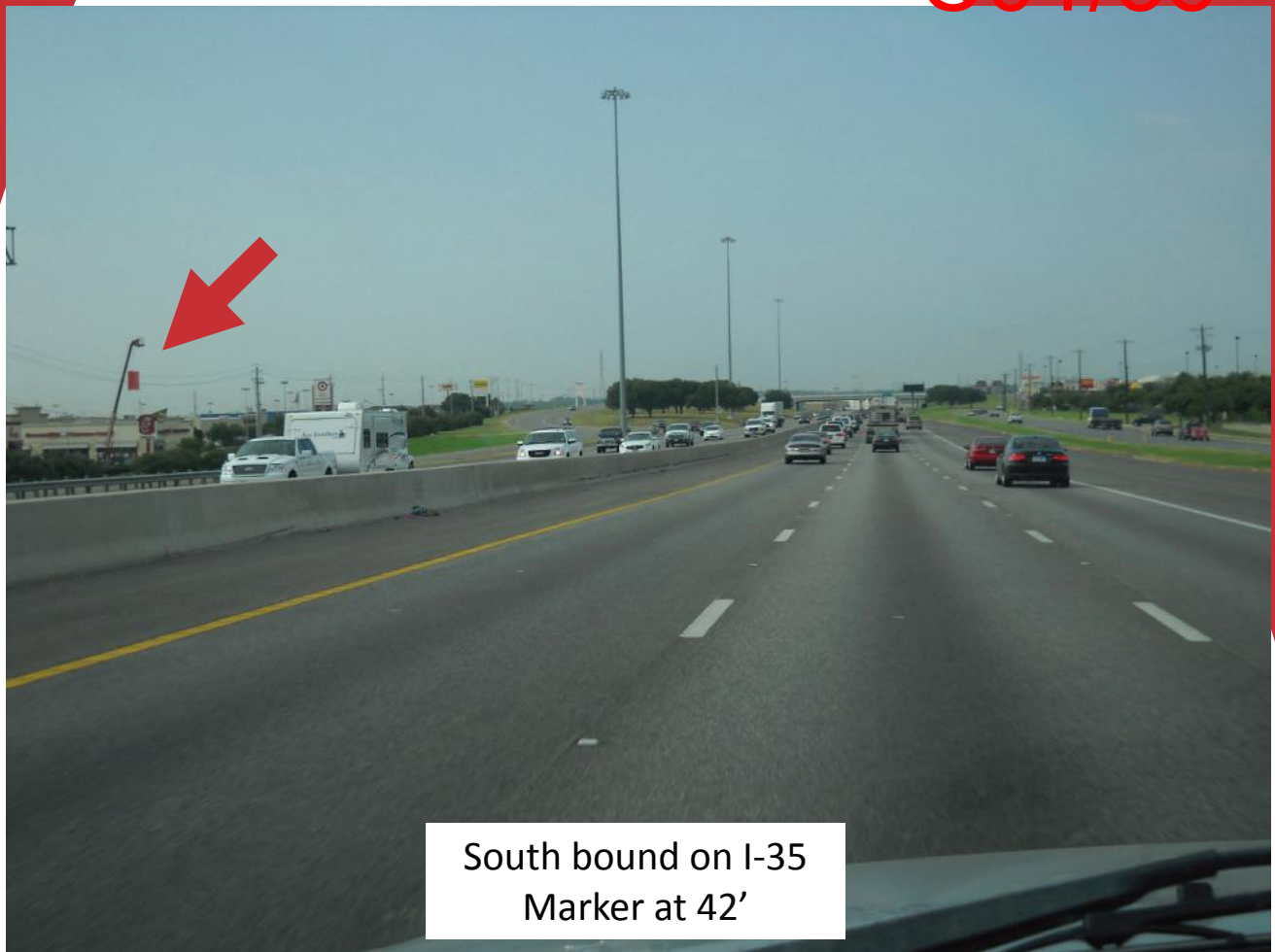


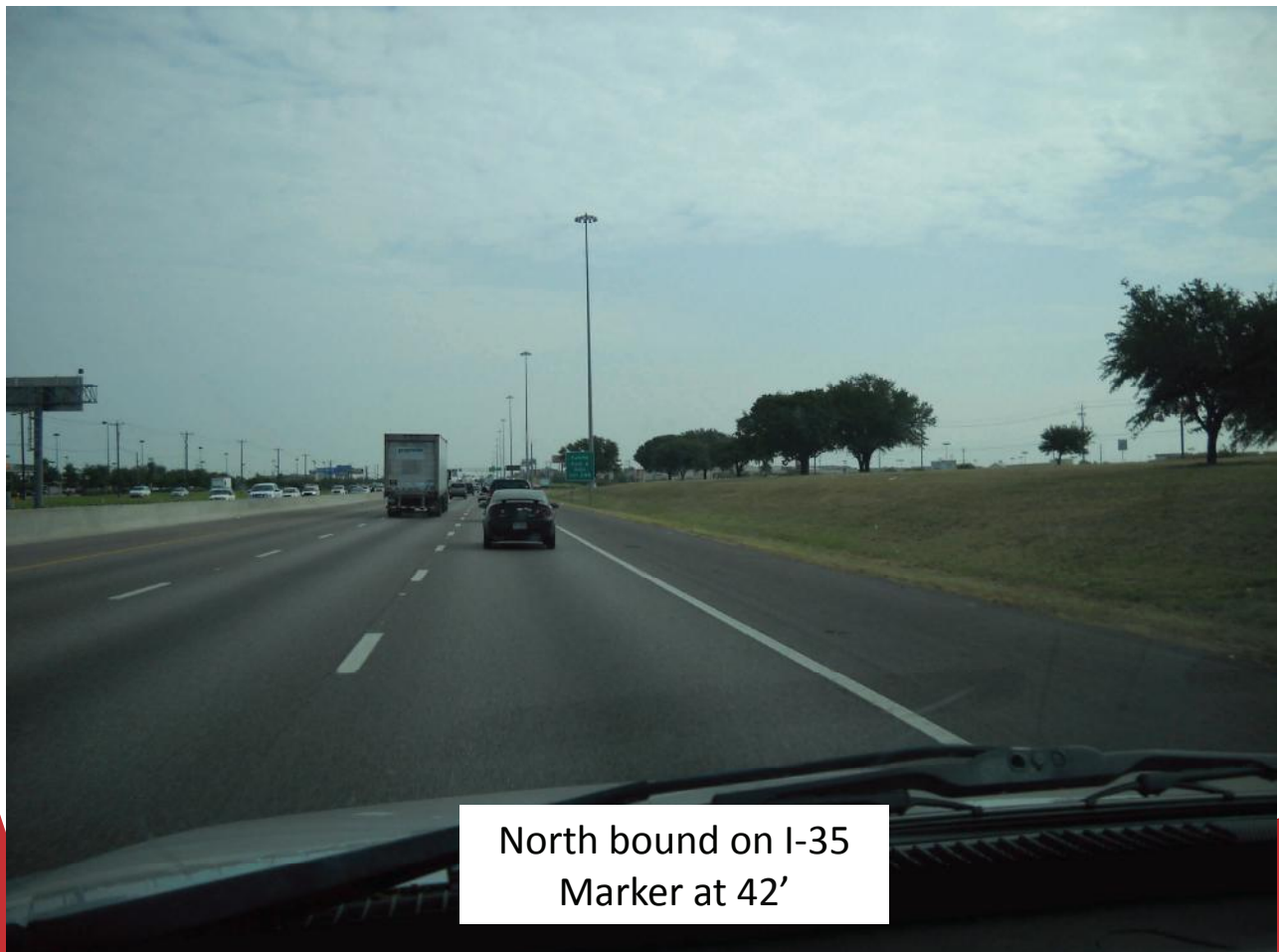


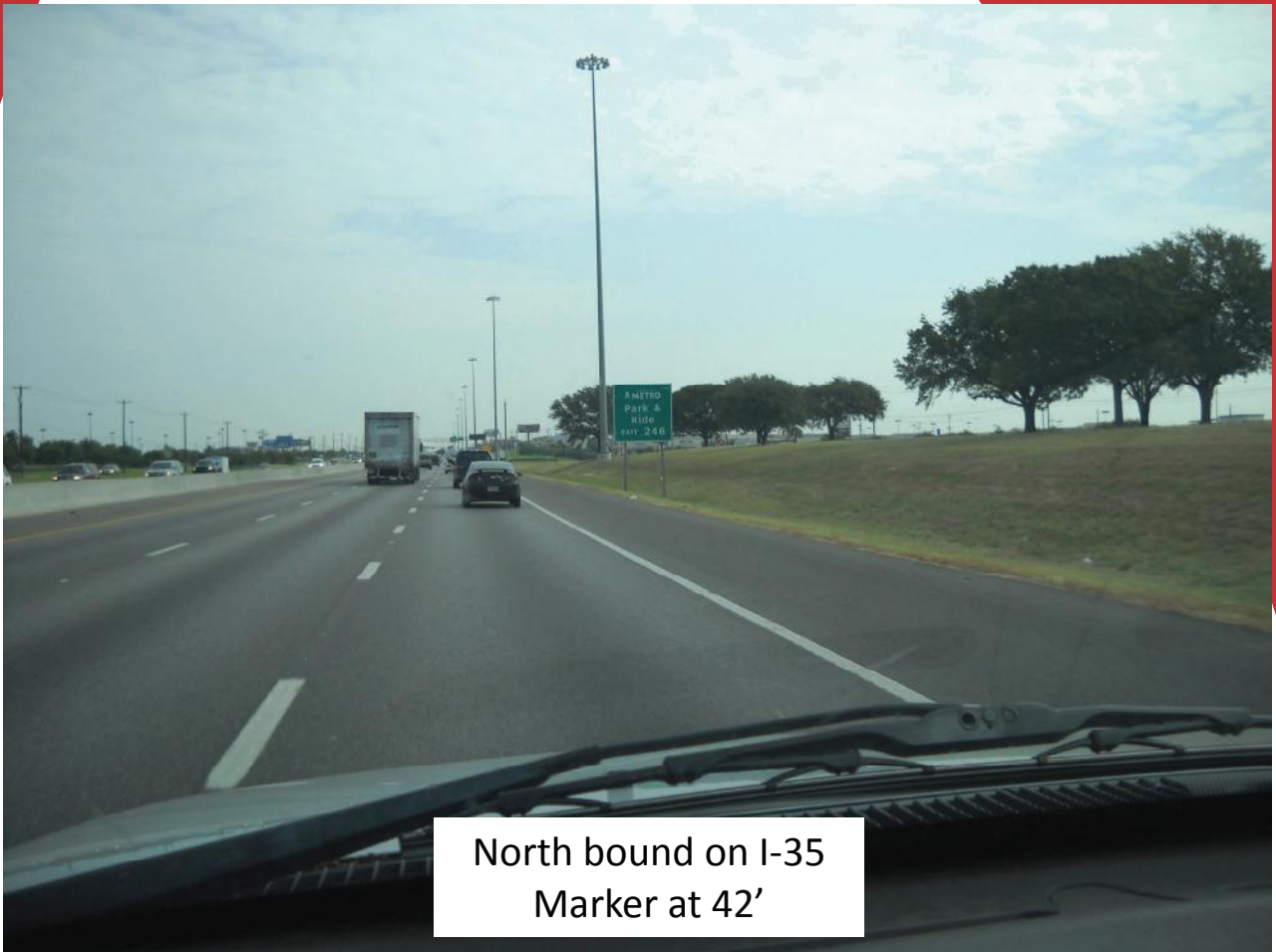






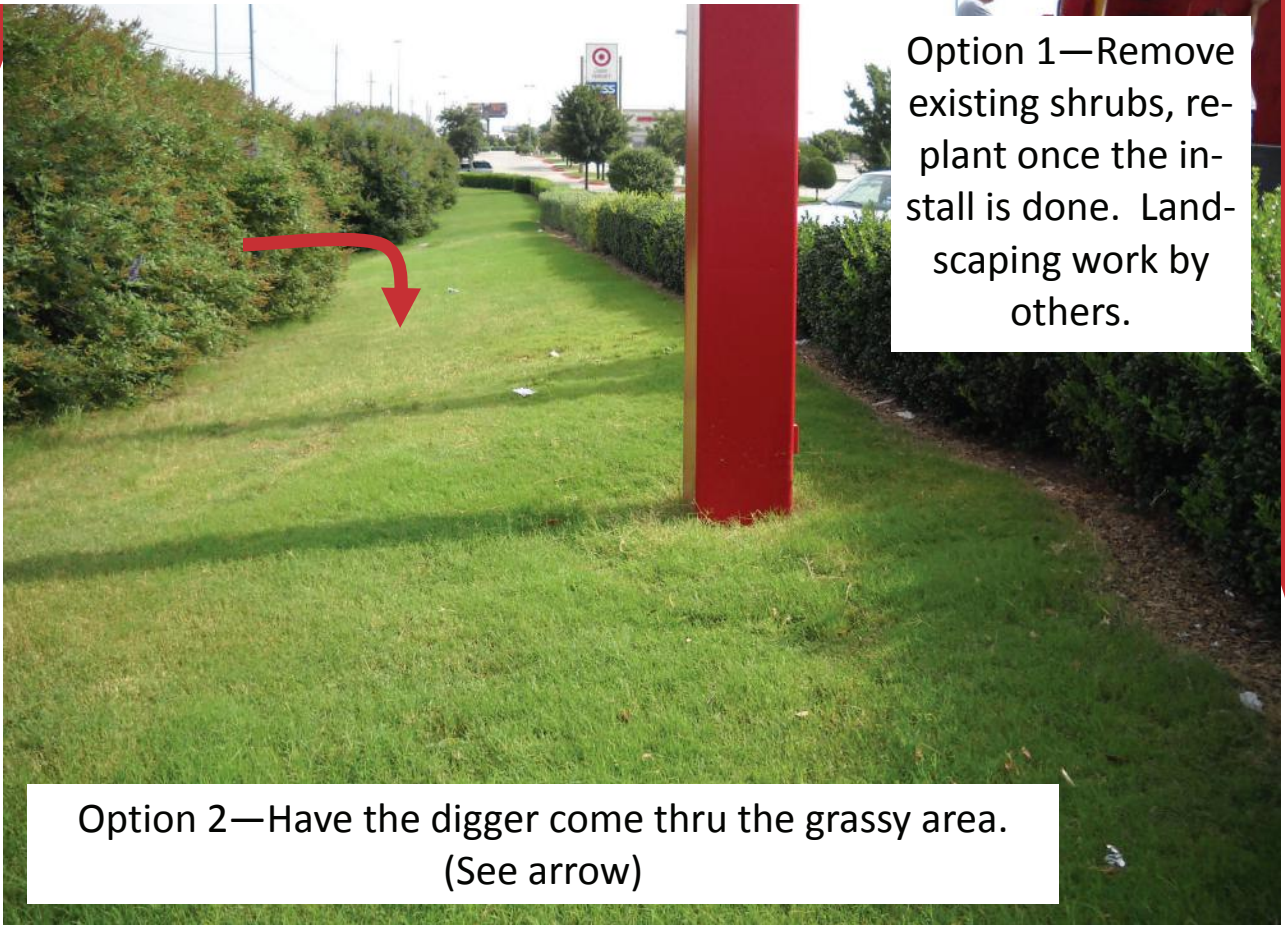


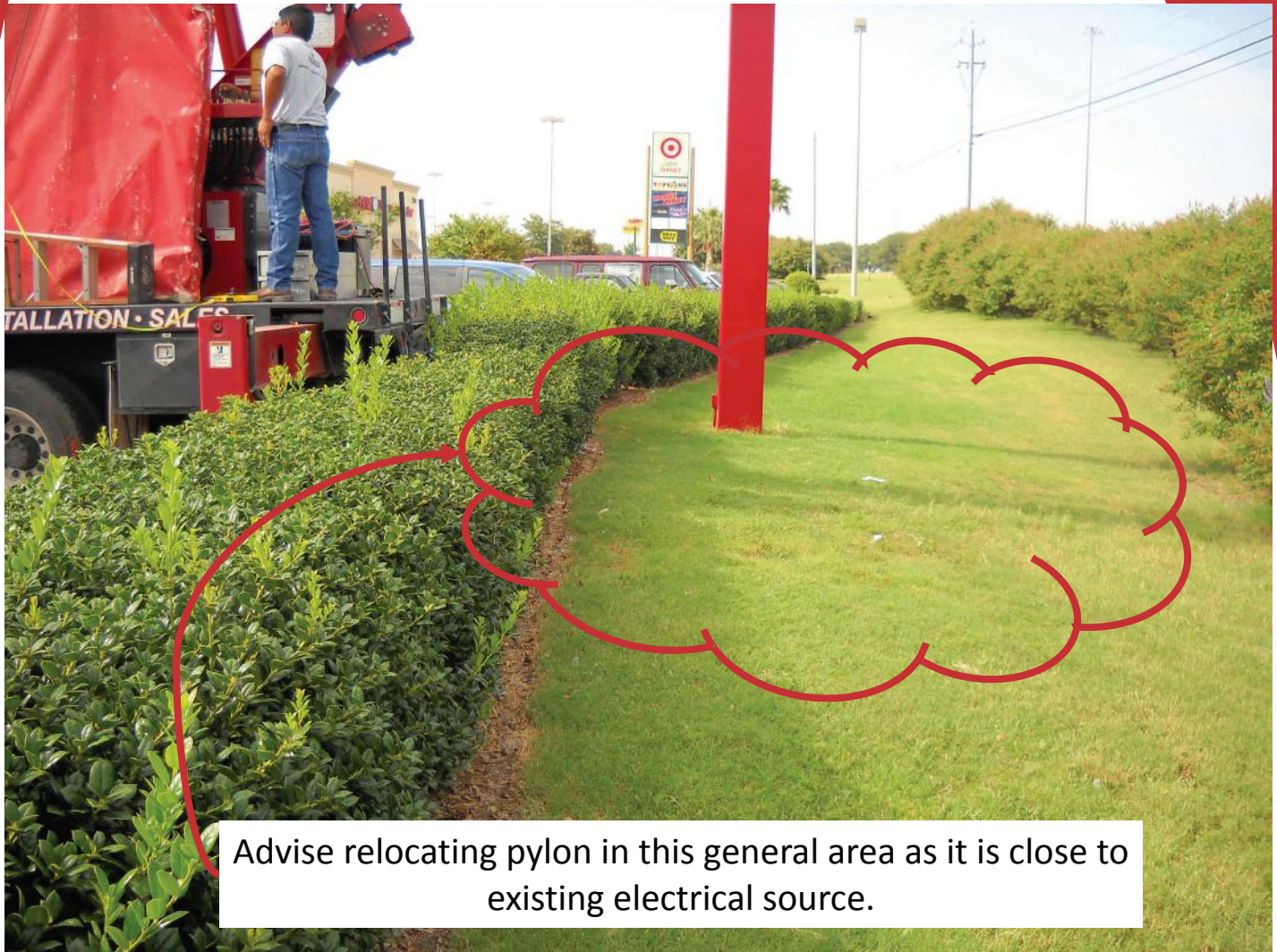


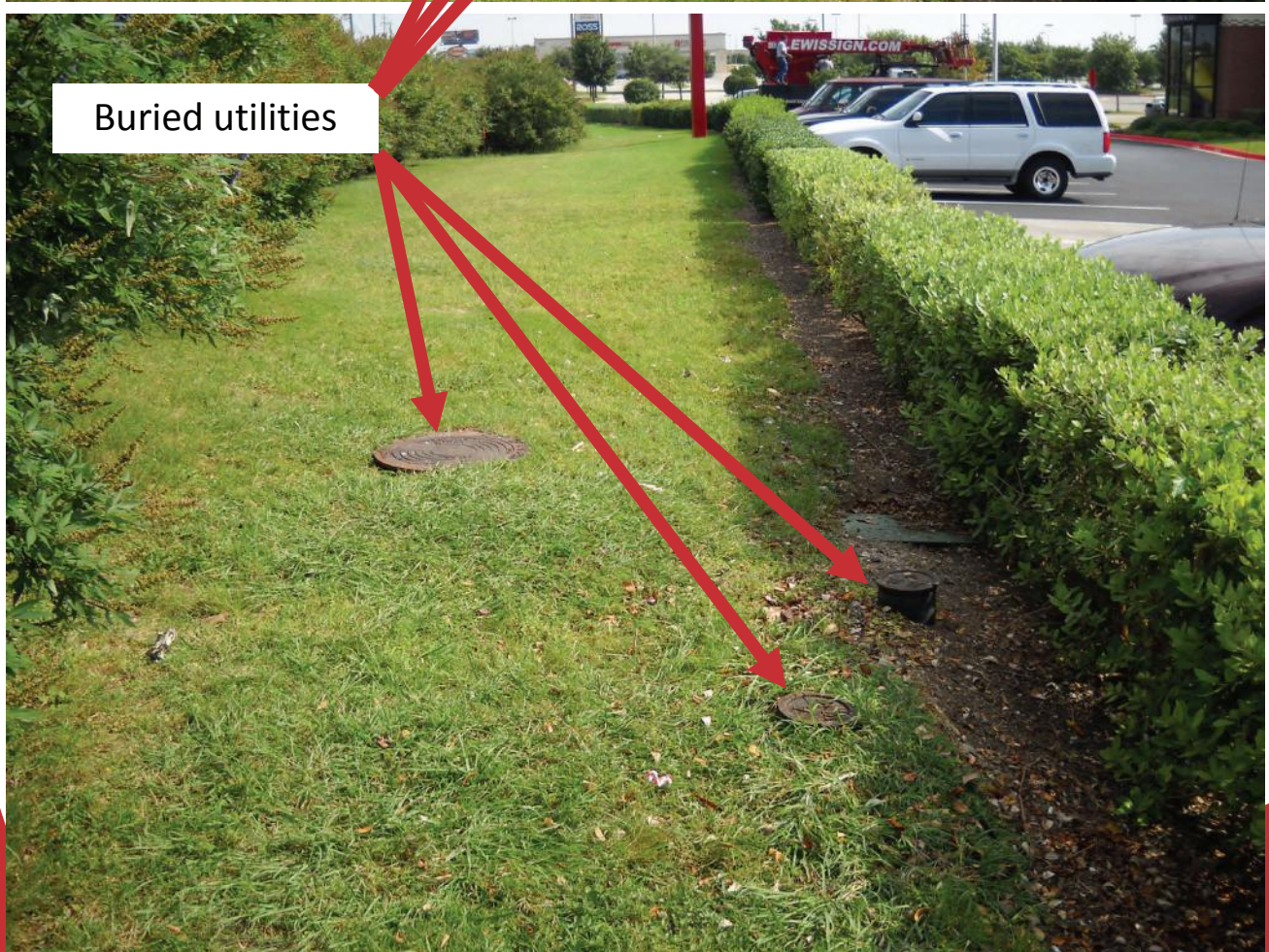




Hole digger access will be difficult for this location.









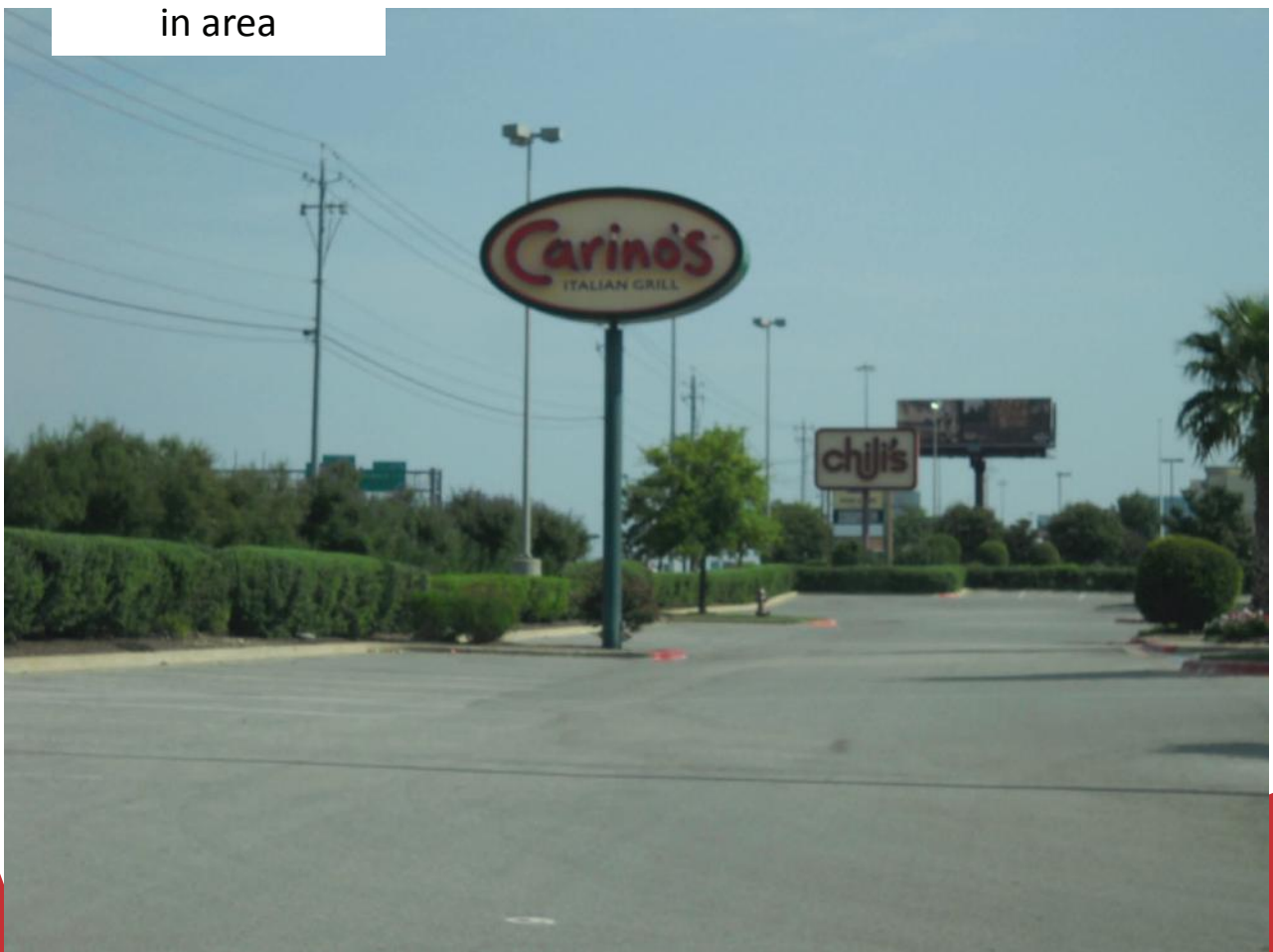


Multitenant pylon sign at shopping center where Chick-fil-A is located.

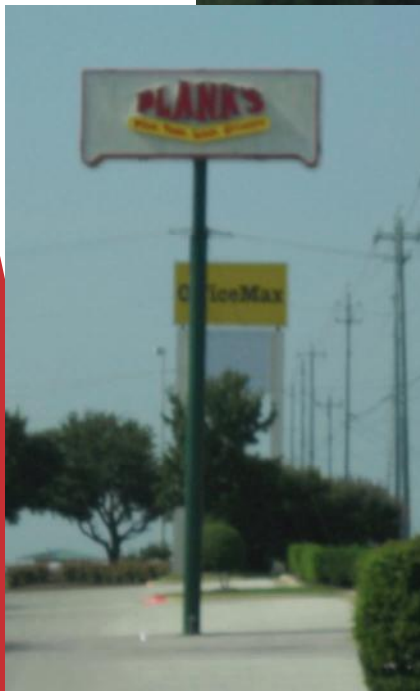
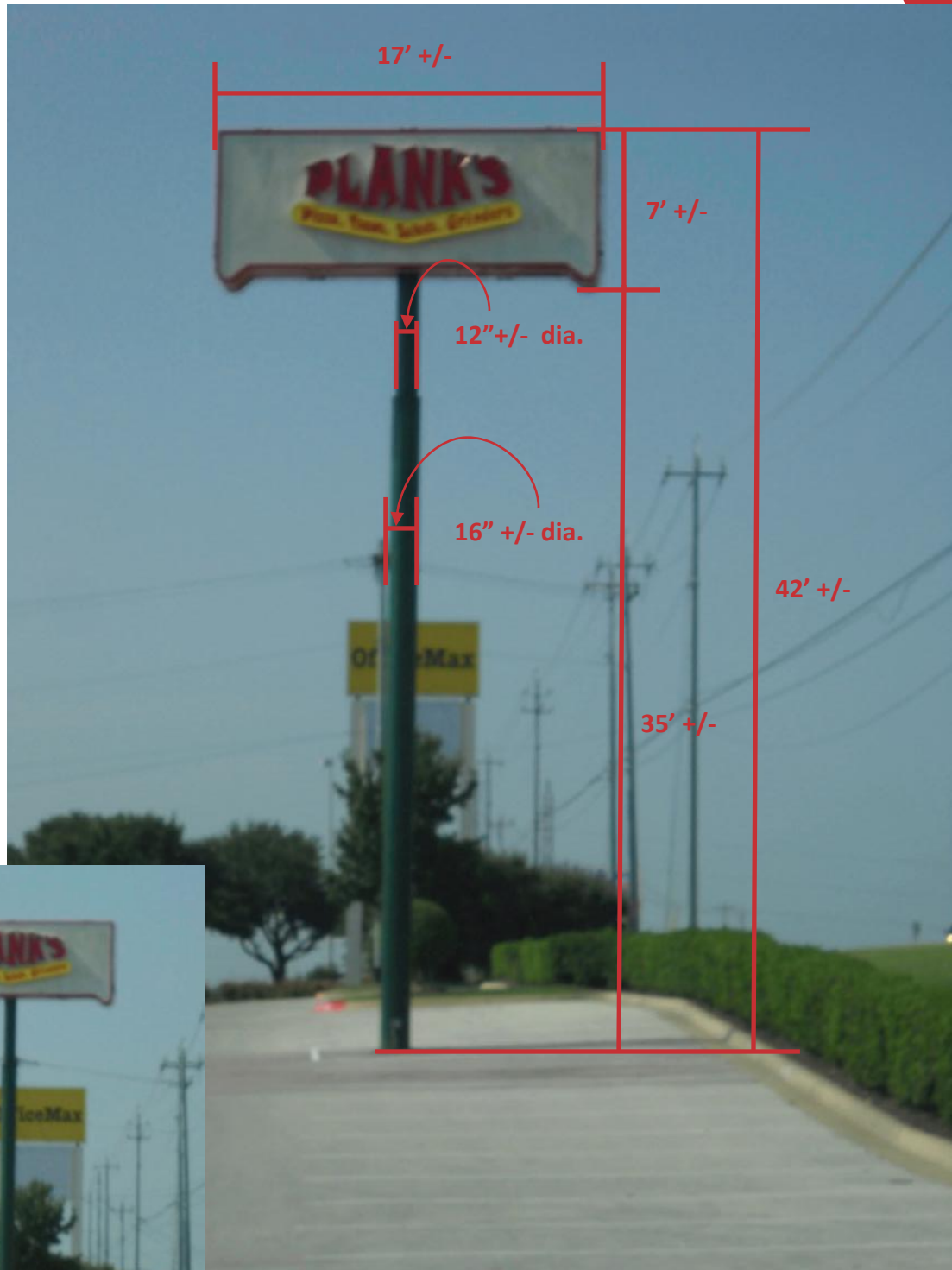




Other pylon signs
in area



This pylon sign in the same area as Chick-fil-A and exceeds the allowable height established in the codes. 'Planks' may have applied for a variance.





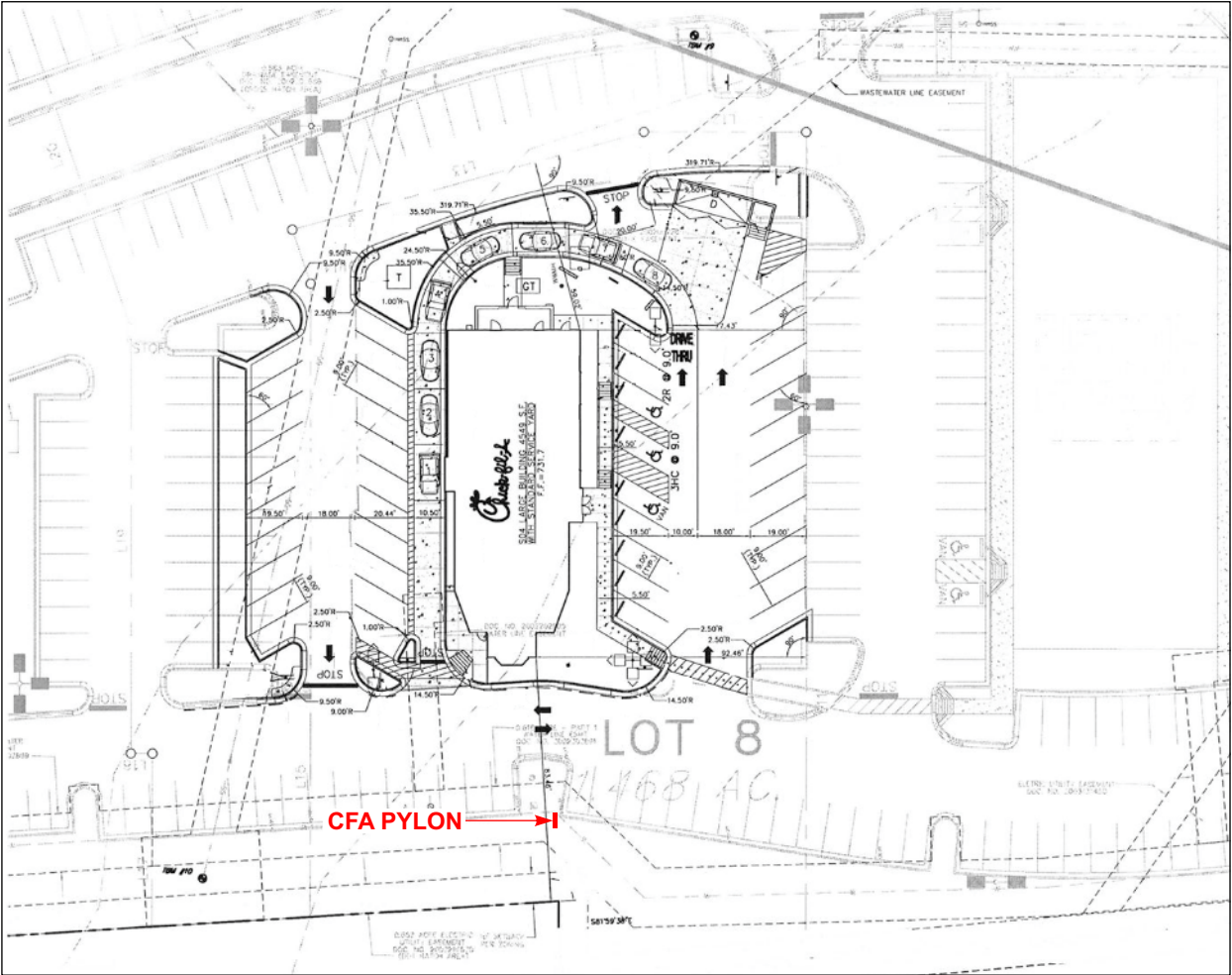
VICINITY MAP

N.T.S.



AERIAL VIEW

N.T.S.



ARCHITECTURAL SITE PLAN

SCALE: 1/64" = 1'-0"



KRISTEN HAMILTON - 678-725-8852
KHamilton@chandlersigns.com
SCARLETT QUINTERO - 210-349-3804
SQuintero3@chandlersigns.com

Project #	
0615746AR3	
Sheet	1 of 4
Location	
#1720	
Address	
12901 I-35 N SERVICE RD. BLDG 14 AUSTIN, TX. 78753	
Acct. Rep.	KRISTEN HAMILTON
Coordinator	SCARLETT QUINTERO
Designer	JULIA ESTRADA
Date	05/16/17
Approval / Date	
Date	
Sales	
Estimating	
Art	
Engineering	
Landlord	
Revision / Date	
R1(06-08-17)E: UPDATED PYLON O.A.H. TO 42'. ADDED ADDITIONAL PROPOSED PHOTOS TO SHOW LIMITED VISIBILITY.	
R2(12-11-17)E: ADDED SITE PLAN TO ART.	
R3(12-28-17)E: MOVED PYLON LOCATION, CHANGED CABINET SIZE TO 11' MAKING IT 121 SQ. FT.	



Brand Image Begins Here.

This drawing is the property of Chandler Signs, LLC and all rights to its use for the reproduction are reserved by Chandler Signs, LLC.

3201 Manor Way 214-902-2000	Dallas, TX 75235 Fax 214-902-2044
17319 San Pedro, Ste 200 210-349-3804	San Antonio, TX 78232 Fax 210-349-8724
963 Baxter Avenue, Ste 200 502-479-3075	Louisville, KY 40204 Fax 502-412-0013
2584 Sand Hill Point Circle 863-420-1100	Davenport, FL 33837 Fax 863-424-1160
37 Waterfront Park Court 800-851-7062	Dawsonville, GA 30534 Fax 210-349-8724
P.O. Box 125 206 Doral Drive 361-563-5599	Portland, TX 78374 Fax 361-643-6533
3220 Executive Ridge Drive, Ste 250 760-734-1708	Vista, CA 92081 Fax 760-734-3752



THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH ARTICLE 680 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING & BONDING OF THE SIGN. SIGN WILL BEAR UL LABEL(S).

FINAL ELECTRICAL CONNECTION BY CUSTOMER



AERIAL VIEW

C01/47 Design

14 Design #	
0615746AR3	
Sheet	2 of 4
Location	
#1720	
Address	
12901 I-35 N SERVICE RD. BLDG 14 AUSTIN, TX. 78753	
Acct. Rep.	KRISTEN HAMILTON
Coordinator	SCARLETT QUINTERO
Designer	JULIA ESTRADA
Date	05/16/17
Approval / Date	
Date	
Sales	
Estimating	
Art	
Engineering	
Landlord	

R1(06-05-17)JE: UPDATED PYLON O.A.H. TO 42'. ADDED ADDITIONAL PROPOSED PHOTOS TO SHOW LIMITED VISIBILITY.

R2(12-11-17)JE: ADDED SITE PLAN TO ART.

R3(12-28-17)JE: MOVED PYLON LOCATION. CHANGED CABINET SIZE TO 11' MAKING IT 121 SQ. FT.



REMOVE D/F CFA PYLON

N.T.S.

ONE (1) ITEM TO BE REMOVED

REMOVE AND DISCARD EXISTING D/F CFA PYLON AND CONCRETE FOOTER AS REQUIRED.

RE-USE EXISTING ELECTRICAL FOR NEW CFA PYLON.



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and all rights to its use for the reproduction are reserved
by Chandler Signs, LLC.

3201 Manor Way
214-902-2000

Dallas, TX 75235
Fax 214-902-2044

17319 San Pedro, Ste 200 San Antonio, TX 78232
210-349-3804 Fax 210-349-8724

963 Baxter Avenue, Ste 200 Louisville, KY 40204
502-479-3075 Fax 502-412-0013

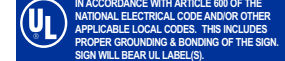
2584 Sand Hill Point Circle Davenport, FL 33837
863-420-1100 Fax 863-424-1160

37 Waterfront Park Court
800-851-7062

P.O. Box 125 206 Doral Drive Portland, TX 78374
361-562-5599 Fax 361-643-6533

3220 Executive Ridge Drive, Ste 250 Vista, CA 92081
760.734.1300 Fax 760.734.2352

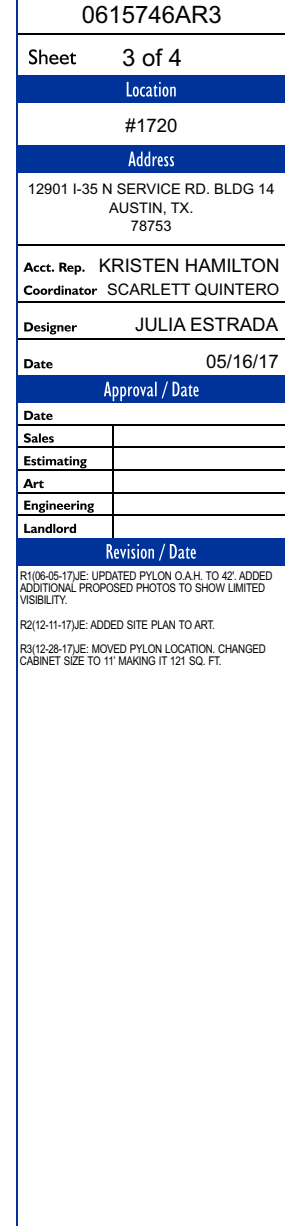
THIS SIGN IS INTENDED TO BE INSTALLED



**FINAL ELECTRICAL
CONNECTION BY
CUSTOMER**



A



17319 San Pedro, Ste 200 San Antonio, TX 78232
210-349-3804 Fax 210-349-8724

963 Baxter Avenue, Ste 200 Louisville, KY 40204
502-479-3075 Fax 502-412-0013

2584 Sand Hill Point Circle Davenport, FL 33837
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37 Waterfront Park Court Dawsonville, GA 30534
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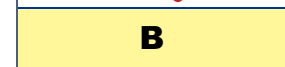
P.O. Box 125 206 Doral Drive Portland, TX 78374
361-563-5599 Fax 361-643-6533

3220 Executive Ridge Drive, Ste 250 Vista, CA 92081
760-734-1708 Fax 760-734-3752

THIS SIGN IS INTENDED TO BE INSTALLED
IN ACCORDANCE WITH ARTICLE 600 OF THE

UL NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING & BONDING OF THE SIGN. SIGN WILL BEAR UL LABEL(S).

**FINAL ELECTRICAL
CONNECTION BY
CUSTOMER**



**STEEL AND FOUNDATION FOR SIGN
TO BE DETERMINED BASED ON SITE-SPECIFIC
BASIS, LOCAL SOIL CONDITIONS AND WIND-
LOAD REQUIREMENTS.**

PRIMARY ELECTRICAL
SERVICE BY G.C.
- NOT INCLUDED BY
CHANDLER SIGNS

LARGE HILL LIMITS VISIBILITY



CFA D/F PYLON (AFTER)

N.T.S.

Project #	
0615746AR3	
Sheet	4 of 4
Location	
#1720	
Address	
12901 I-35 N SERVICE RD. BLDG 14 AUSTIN, TX. 78753	
Acct. Rep.	KRISTEN HAMILTON
Coordinator	SCARLETT QUINTERO
Designer	JULIA ESTRADA
Date	05/16/17
Approval / Date	
Date	
Sales	
Estimating	
Art	
Engineering	
Landlord	
Revision / Date	
R1(06-08-17)U: UPDATED PYLON O.A.H. TO 42'. ADDED ADDITIONAL PROPOSED PHOTOS TO SHOW LIMITED VISIBILITY.	
R2(12-11-17)U: ADDED SITE PLAN TO ART.	
R3(12-28-17)U: MOVED PYLON LOCATION. CHANGED CABINET SIZE TO 11' MAKING IT 121 SQ. FT.	



Brand Image Begins Here.

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3201 Manor Way 214-902-2000	Dallas, TX 75235 Fax 214-902-2044
17319 San Pedro, Ste 200 210-349-3804	San Antonio, TX 78232 Fax 210-349-8724
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2584 Sand Hill Point Circle 863-420-1100	Davenport, FL 33837 Fax 863-424-1160
37 Waterfront Park Court 800-851-7062	Dawsonville, GA 30534 Fax 210-349-8724
P.O. Box 125 206 Doral Drive 361-563-5599	Portland, TX 78374 Fax 361-643-6533
3220 Executive Ridge Drive, Ste 250 760-734-1708	Vista, CA 92081 Fax 760-734-3752



THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH ARTICLE 680 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING & BONDING OF THE SIGN. SIGN WILL BEAR UL LABEL(S).

FINAL ELECTRICAL CONNECTION BY CUSTOMER



PHOTOS

CASE #

C16-2010-0006

ROW-10490758

TP-0262230309

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
SIGN VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: PRINT OR TYPE; USE BLACK INK; AND COMPLETE ALL REQUESTED INFORMATION.

STREET ADDRESS: 12901 N. I-35 Service Rd., Bldg 14, Austin, TX 78753

LEGAL DESCRIPTION: Subdivision – Parmer

Lot(s) 8 Block A Outlot _____ Division South Parmer

I/We Chandler Signs, L.P., L.L.P. on behalf of myself/ourselves as authorized agent for Chick-fil-A affirm that on 9-3-2010, hereby apply for a hearing before

the Board of Adjustment for consideration:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

Modify the existing height of the free standing sign from 25' to 45'. Please reference attached design.

in a commercial zoning district.

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. In order to grant your request for a variance, the Board must first make one or more of the findings described under 1, 2, and 3 below; the Board must then make the finding described in item 4 below. If the Board cannot make the required findings, it cannot approve a sign variance.

Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings:

1. The variance is necessary because strict enforcement of the Article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography, because: The sign set back from the frontage road and expressway inhibits the visibility of the sign at its present height. The setback is

considerably more than the other restaurants in the immediate area. Please reference exhibits A and B.

OR,

2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because: The other restaurants do not have the setback issues as illustrated by our exhibits. Planks restaurant remedied their visual issues with a taller pylon sign as shown in the provided survey.

OR,

3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because: Increasing the overall height of the existing sign will put this particular restaurant on more of an even visual standing with the competition due to the hardship created by the interstate and the frontage road layout which was designed and built by others.

AND,

4. Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because: As shown on both exhibits, Chick-fil-A is at a disadvantage due to the set back that does not affect the other restaurants in close proximity.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Lesli C. Townsend Mail Address Chandler Signs, 12106 Valliant Dr.

City, State & Zip San Antonio, Texas 78216

Printed Lesli C. Townsend Phone 210-349-3804 Date 9-3-10

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Erika Wilson Mail Address Chick-fil-A, Inc. 5200 Buffington Rd.

City, State & Zip Atlanta, Georgia 30349

Printed ERIKA WILSON Phone 404-765-8000 Date 9-3-10



BOARD OF ADJUSTMENTS

CASE#: C16-2010-0006
 LOCATION: 12901 N IH 35 SVRD NB
 GRID: M34, M35
 MANAGER: SUSAN WALKER

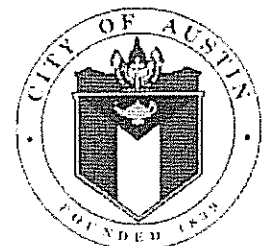




Exhibit A

Exhibit B

Reference with Variance Request for Chick-fil-A at I-35 and Parmer Ln.

Restaurant	Sign Setback From Frontage Rd	Sign Setback From	
		1st Lane of North Bound I-35	Distance from Chick-fil-A
Carino's	127'	132'	.19 miles
Chilli's	123'	174'	.23 miles
Arby's	74'	128'	.47 miles
McDonald's	73'	137'	.58 miles
Baby Acapulco	84'	138'	.64 miles
Plank's	79'	344'	.18 miles
Chick-fil-A	188'	275'	0 miles



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

September 8, 2010

Abel Obregon
Austin, Texas
aobregon@chandlersigns.com

Re: 12901 N. IH35
Lt 8, Blk A, Parmer Center South Subdivision

Dear Mr. Obregon,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to increase the height of an existing sign to a maximum height of 45 feet. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch provided owner/applicant meets AE clearance criteria requirements as well as be in compliance with the National Electric Safety Code and OSHA.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6522.

Sincerely,

A handwritten signature in cursive script that reads "Robert K. Long, Jr.".

Robert K. Long, Jr.
Public Involvement/Real Estate Services

Quick-Filz

[illegible]

12 90N-735
of Adjustment. Any changes to

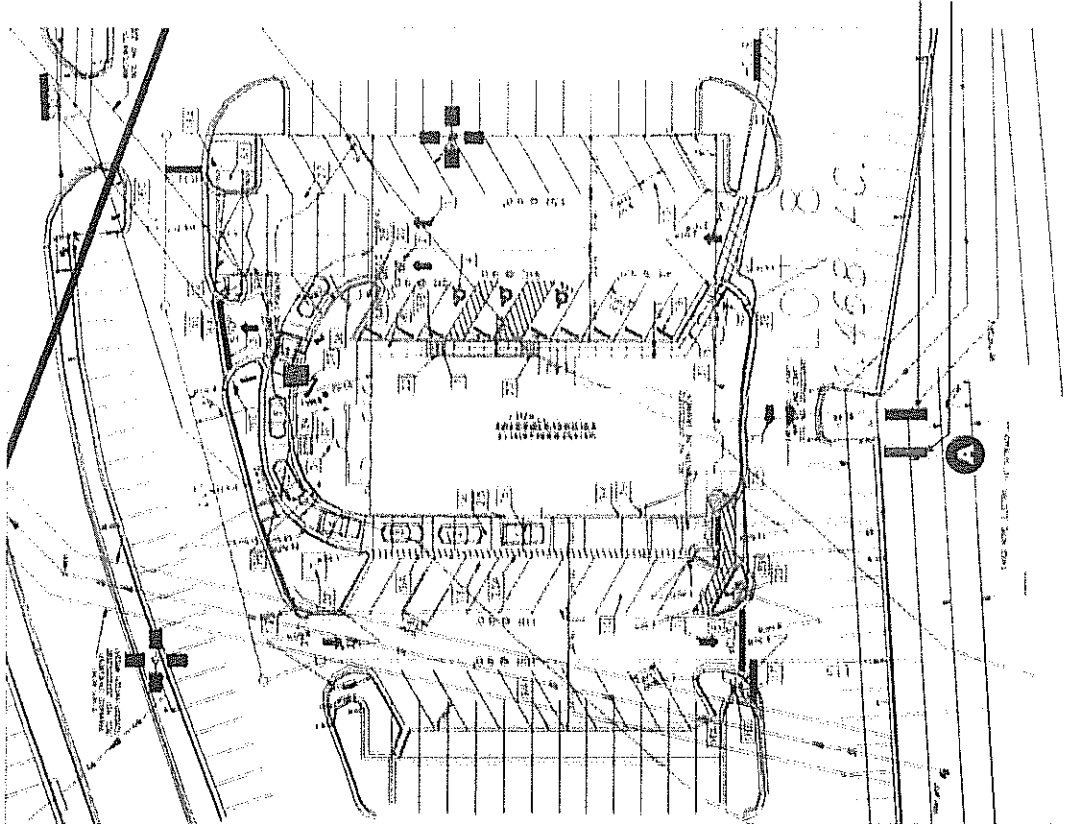
AUSTIN ENERGY

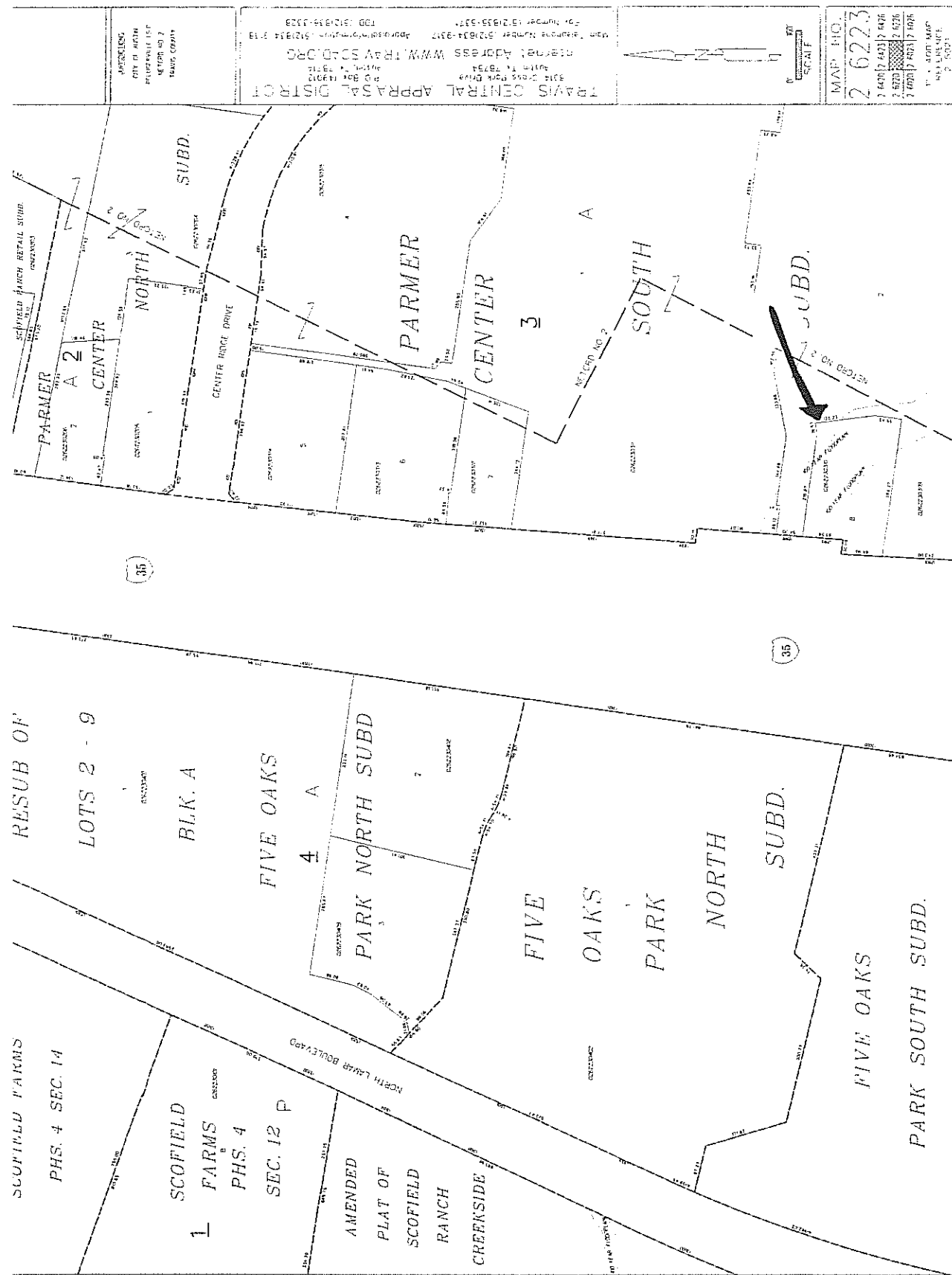
9/8/10

RE-INSTALL SIGN 7 FT APPROX. AWAY FROM CURRENT LOCATION. CLOSE TO EXISTING ELECTRICAL SOURCE. FIVE FEET FROM RIGHT OF WAY REQUIRED.

EXTINGUISHING SIGN LOCATION

PROPOSED NEW LOCATION





CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: October 11, 2010

CASE NUMBER: C16-2010-0006

☐ N ☐ Jeff Jack
☐ Y ☐ Michael Von Ohlen **Motion to GRANT**
☐ Y ☐ Nora Salinas
☐ Y ☐ Bryan King
☐ Y ☐ Leane Heldenfels, Chairman
☐ Y ☐ Clarke Hammond, Vice Chairman
☐ N ☐ Heidi Goebel
☐ Y ☐ Cathy French **2nd the motion**

APPLICANT/OWNER: Trisha Regan

ADDRESS: 12901 IH 35 SVRD NB

VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum height of a freestanding sign requirement of Section 25-10-123 (B) (3) from 35 feet in height to 45 feet in height in order to erect a freestanding sign in a "CS-CO", Commercial Services – Conditional Overlay zoning district.

BOARD'S DECISION: Board Member Jeff Jack motion to Deny, Board Member Heidi Goebel second on a 2-6 vote (Board Members Von Ohlen, Salinas, Hawthorne, Heldenfels, Hammond, French nay), and Motion failed for lack of 5 affirmative votes.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Cathy French second on a 6-2 vote (Board Members Heidi, Jack nay); **GRANTED**

FINDING:

1. The variance is necessary because strict enforcement of the Article prohibits and reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscape, or topography, because: the sign setback from the frontage road and expressway inhibits the visibility of the sign at its present height, the property is located at the lowest point on this site

OR,

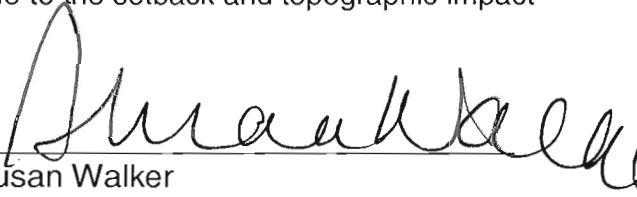
2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because: the property is in the lowest point on this site, other restaurant does not have the setback and topographic issues as illustrated in the exhibits.

OR,

3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because: increasing the overall height of the existing sign will put this particular restaurant on more of an even visual standing with the competition due to the hardship created by the interstate and the topographic issues

AND,

4. Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because: chick-fil-a is at a disadvantage due to the setback and topographic impact


Susan Walker
Executive Liaison


Leane Heldenfels
Chairman