

AGENDA
BENBROOK ZONING BOARD OF ADJUSTMENT
AND APPEALS COMMISSION
TUESDAY, MAY 28, 2019
911 WINSOTT ROAD
PRE-MEETING WORKSESSION, 7:00 P.M.
CENTRAL CONFERENCE ROOM

1. Review and discuss items for the regular meeting

REGULAR MEETING, 7:30 P.M.
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION

I. CALL TO ORDER

II. MINUTES

1. Approve Minutes Of The Regular Meeting Held February 26, 2019

Documents:

[ZBA MINUTES 02.26.2019.PDF](#)

III. REPORTS BY CITY STAFF

A. ZONING BOARD OF ADJUSTMENT

1. ZBA-19-01

A request for the alteration of a non-conforming sign for the Benbrook Plaza Shopping Center located at 9441 Benbrook Boulevard and is legally described as Lot A-R-1-R, Block 7, Hilltop Heights Addition. The property is zoned "HC" Highway Corridor District and within the Benbrook Boulevard Corridor Overlay District. [PUBLIC HEARING]

Documents:

[ZBA-19-01 STAFF REPORT.PDF](#)
[ZBA-19-01 ATTACHMENTS.PDF](#)

IV. ADJOURNMENT

**MINUTES
OF THE MEETING OF THE BENBROOK
ZONING BOARD OF ADJUSTMENT AND APPEALS COMMISSION
TUESDAY, FEBRUARY 26, 2019**

The Regular Meeting of the Zoning Board of Adjustment and Appeals Commission of the City of Benbrook was held on Tuesday, February 26, 2019 at 7:15 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

Wes Myers
Ghias Dean
Donald Pilliod
Robert Wood
Lizbeth Sowell
Carol Stacy, Alternate B

Absent: Jacquie Messer, Alternate A

Also Present:	Jim Hinderaker	Assistant City Manager
	Doug Howard	City Planner
	Caroline Stewart	Assistant City Planner, Recording Secretary
	Izzy Rivera	Building Official

I. CALL TO ORDER

The Chair called the meeting to order at 7:15 p.m.

II. MINUTES

Motion by Ms. Sowell to approve the minutes of the November 27, 2018 Board/Commission meeting as presented. Second by Mr. Dean. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Myers, Mr. Dean, Mr. Pilliod, Mr. Wood, and Ms. Sowell

Noes: None

Abstain: None

Motion carried: 5 – 0 – 0

III. SELECTION OF CHAIR AND VICE CHAIR

Motion by Mr. Myers to elect Mr. Pilliod as Chair of the Zoning Board of Adjustment and Appeals Commission. Seconded by Mr. Dean. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Myers, Mr. Dean, Mr. Wood, and Ms. Sowell

Noes: None

Abstain: Mr. Pilliod

Motion carried: 4 – 0 – 1

Motion by Mr. Wood to elect Mr. Myers as Vice Chair of the Zoning Board of Adjustment and Appeals Commission. Seconded by Mr. Dean. The Chair called the question:

Vote on the Motion:

Ayes: Mr. Dean, Mr. Pilliod, Mr. Wood, and Ms. Sowell

Noes: None

Abstain: Mr. Myers

Motion carried: 4 – 0 – 1

IV. ADJOURNMENT

There being no further business on the agenda, the Chair adjourned the meeting at 7:20 p.m.

APPROVED: _____, 2019

Chair



City of Benbrook

Zoning Board of Adjustments

DATE: 05/28/2019	REFERENCE NUMBER: ZBA-19-01	SUBJECT: A request for the alteration of a non-conforming sign for the Benbrook Plaza Shopping Center located at 9441 Benbrook Boulevard and is legally described as Lot A-R-1-R, Block 7, Hilltop Heights Addition. The property is zoned "HC" Highway Corridor District and within the Benbrook Boulevard Corridor Overlay District. [PUBLIC HEARING]	PAGE: 1 of 3
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Project Name: Benbrook Plaza: Multi-tenant Sign

Request Type: Alteration of a Non-Conforming Sign

Site Description: 8.33 acres or 362,890sqft
Lot A-R-1-R, Block 7, Hilltop Heights Addition

Location: 9441 Benbrook Boulevard

Zoning District: "HC" Highway Corridor District and within the Benbrook Blvd Corridor Overlay District

Property Owner: Haydn Cutler Company
Fort Worth, TX

Applicant Dynamic Sign Solutions LLC (Jerry Griffis)
Willis, TX

Summary

Consider the approval for a request to alter a non-conforming pylon sign for the Benbrook Plaza Shopping Center, located at 9441 Benbrook Boulevard. The property is zoned "HC" Highway Corridor District and within the Benbrook Blvd Corridor Overlay District.

The applicant is proposing the following sign updates:

- Divide existing top sign cabinet into two separate cabinets for future tenants' use. This cabinet currently houses the shopping center name (see Attachment 2)
- Add a new, updated, sign with the shopping center name (see Attachment 3)
- Add stone along the columns to match the building exterior remodel of the shopping center (see Attachment 3)
- Add a landscape island at the bottom of the pylon sign to add warmth to the existing sign (see Attachment 3)
- Rework electrical to provide lighting to all of the panels on the sign

Background

Benbrook Plaza was built in 1981 and it is presumed that the multi-tenant sign was built around the same time. The sign ordinance in 1981 did not specify height or square footage limitations for multi-tenant pylon signs. But due to changes to the sign code regulations over the years that established sign height and area limitations that are less than the actual dimensions of sign, the sign is considered to be legal non-conforming.

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Haydn Cutler Company purchased the Benbrook Plaza in January 2018. They are working with the City's Economic Development Corporation (EDC) to complete plans updating the exterior of the shopping center, including updating the sign. Dollar Tree was issued a Certificate of Occupancy on April 17, 2019. They now seek to add their tenant name to the existing multi-tenant sign, but in order to alter a non-conforming sign, Zoning Board of Adjustment (ZBA) approval is necessary.

Staff Analysis

Pylon signs are not permitted within the Benbrook Blvd Corridor Overlay District. Any existing pylon sign, legally constructed, within the overlay district is considered a non-conforming sign. Non-conforming signs may not be altered, unless approved by the ZBA. The ZBA may authorize changes to a non-conforming sign if the request does not further the level of non-conformity and that the long-term goal of bringing signs into compliance is achieved. Staff finds:

1) The request does not further the level of non-conformity:

Pylon Sign Requirements:

- **Maximum Height:** 35ft
 - The existing sign conforms with a height of 34ft. No height alteration is proposed.
- **Minimum Front Yard Setback:** 25ft, plus 1 foot for every foot over 25ft in height
 - The existing sign does not conform with a setback of approximately 30ft. The sign is not being relocated.
- **Minimum Side Yard Setback:** 25ft
 - The existing sign conforms with a side yard setback of approximately 170ft. The sign is not being relocated.
- **Maximum Sign Area:** 120sqft, plus an additional 10% increase for each additional tenant; maximum of 240sqft
 - The existing sign has 328sqft of signage area. Under the current regulations, a sign with 3 tenants would be allowed a maximum of 160sqft = 120sqft (1st tenant) + 12sqft (2nd tenant) + 12sqft (3rd tenant).
 - By redesigning the sign area of the top panel, the applicant is proposing to add 2 more tenant panels, without increasing the total sign area. Under current regulations, 5 panels would allow 168sqft = 120sqft (1st tenant) + 48sqft (4 additional tenants).
 - This alteration does not increase the level of non-conformity.
- **Frontage Requirements:** 200ft
 - Conforms with approximately 288ft of frontage. The sign is not being relocated.
- **Design:** Requires the sign faces to be located entirely within two posts or columns. The sign face may not be located lower than 8ft from the ground.
 - The existing sign conforms to the design requirements and the lowest cabinet is about 13.5 feet above the ground.
 - The applicant is proposing to add stone along the columns to match the building exterior remodel of the shopping center. This alteration does not increase the level of non-conformity.

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- 2) The request meets the long-term goal of bringing signs into compliance.
- With the adoption of the Benbrook Blvd Corridor Overlay District, the City has restricted the use of pylon signs. The City allows Unified Commercial Signs (multi-tenant signs); however, Unified Commercial Signs are currently restricted to 160sqft. The City is considering allowing more sign area for multi-tenant signs through the zoning text amendment process.
 - Staff is supportive of allowing the alteration of multi-tenant signs along the corridor while a new sign ordinance amendment is being considered. Staff expects to have a draft presented to the Planning and Zoning Commission and City Council by December of 2020. Staff recommends the ZBA authorize sign face changes for the Benbrook Plaza until a new sign ordinance is considered and/or adopted.
 - Allowing sign face changes for a limited time will meet the City's long-term goal of bringing signs into compliance. If the ordinance changes to allow more signage, the applicant's proposal may conform to the new standards. If the applicant's sign still does not conform to the new ordinance changes, or if the sign ordinance does not change, future changes after the time frame granted has expired must conform to the sign ordinance as stands.

Staff Recommendation

Move to authorize the alteration of the Benbrook Plaza multi-tenant pylon sign, as presented, with the following conditions:

- 1) Sign permits must be approved and issued prior to any alteration or business sign face changes;
- 2) Sign face replacements to add new businesses shall be permitted through December 2020, after which, all sign alterations must conform to the requirements of the zoning ordinance; and
- 3) Alterations shall not increase the level of non-conformity of the subject sign.

Attachments:

1. Applicant's Letter
2. Attachments 1 thru 4
3. Aerial Map
4. Applicable Ordinances



Haydn Cutler Company

May 8, 2019

Planning & Zoning Commission
City of Benbrook
911 Winscott Road
P.O Box 26569
Benbrook, Texas 76126

Re: Alterations to a Non-Confirming Sign- Written Narrative

Planning & Zoning Commission,

This narrative is in reference to the existing pylon sign that provides signage for the shopping center located at 9461 Benbrook Boulevard. The sign has been in place, in its current condition, for decades and in need of significant repair. The following is a list of items that we intend to complete if approved for the alterations:

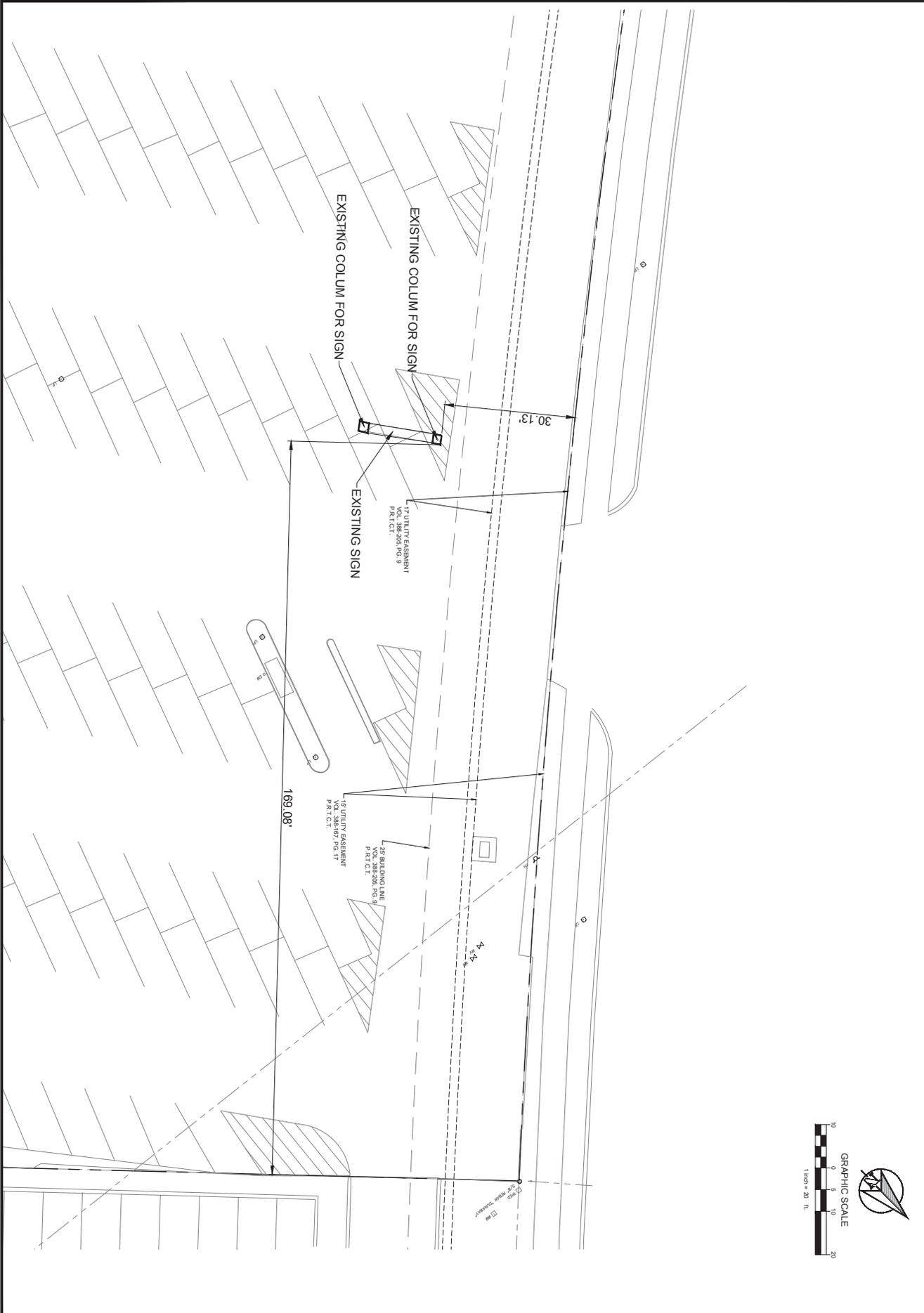
- Rework existing sign cabinet which currently houses the shopping center name, Benbrook Plaza, into two separate cabinets for future tenants' use
- Add a new, updated, sign band along the top with the shopping center name
- Add stone along the columns to match the building exterior remodel of the shopping center which is currently in process
- Add a landscape island at the bottom of the pylon sign to add warmth to the existing sign
- Rework electrical to provide lighting to all of the panels on the sign

The alterations are not intended to increase the square footage of the existing signage area. Although the sign currently sits in non-conformance of the existing signage code this sign provides signage for one of the largest shopping centers within the city's limits at over 70,000 square feet of retail space. Given the buildings, that are not owned by the owners of the subject center, that exist in front of the shopping center, such signage is vital to draw new tenants and the success and visibility of the existing tenants in the center.

In discussion with city staff, it is our understanding staff is working to create signage code that takes into account larger scale developments, similar to the subject tract, that provides adequate signage for the tenants within the shopping center.

Respectfully,

Matt Jamesen



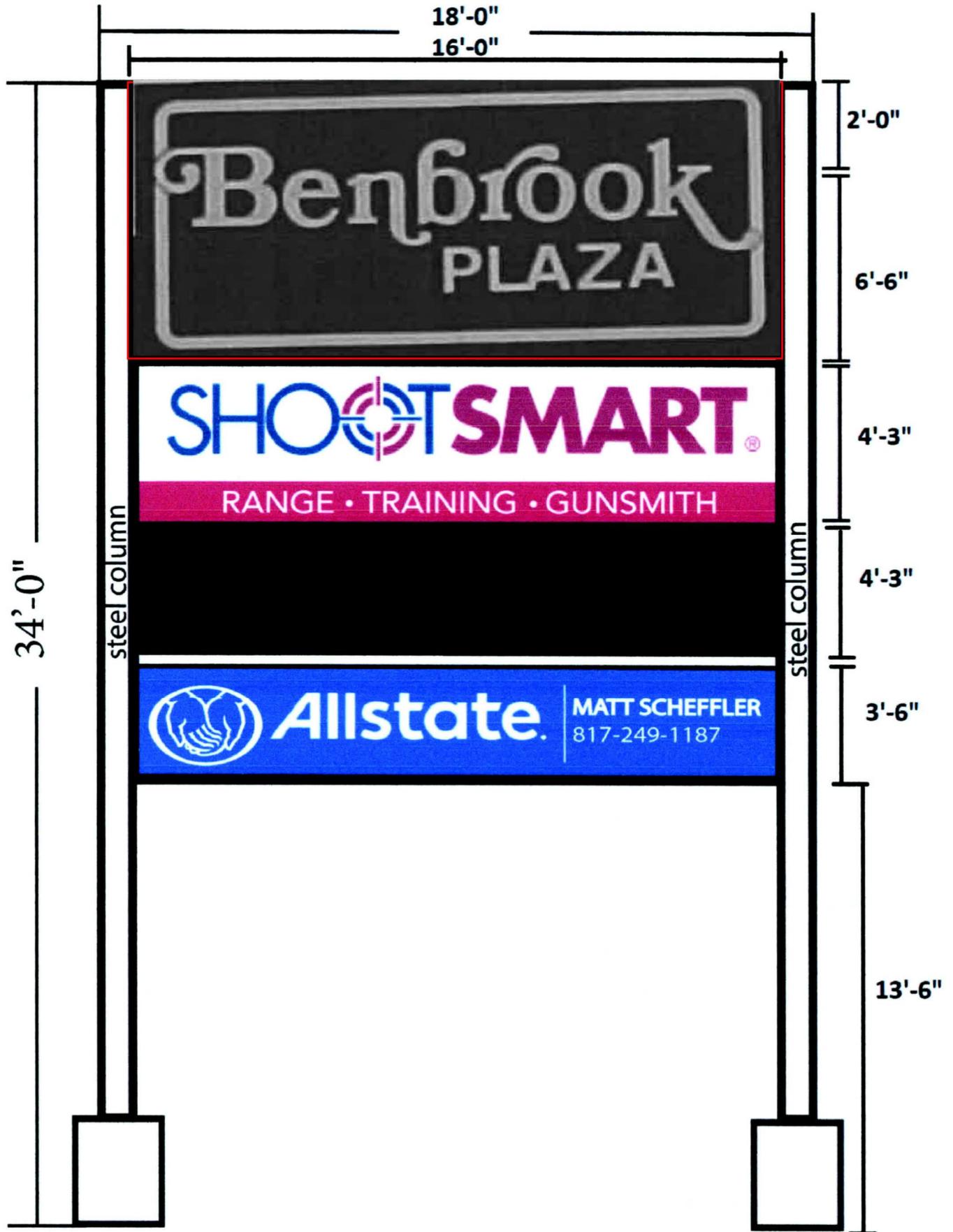
SIGN EXHIBIT SHEET S-1

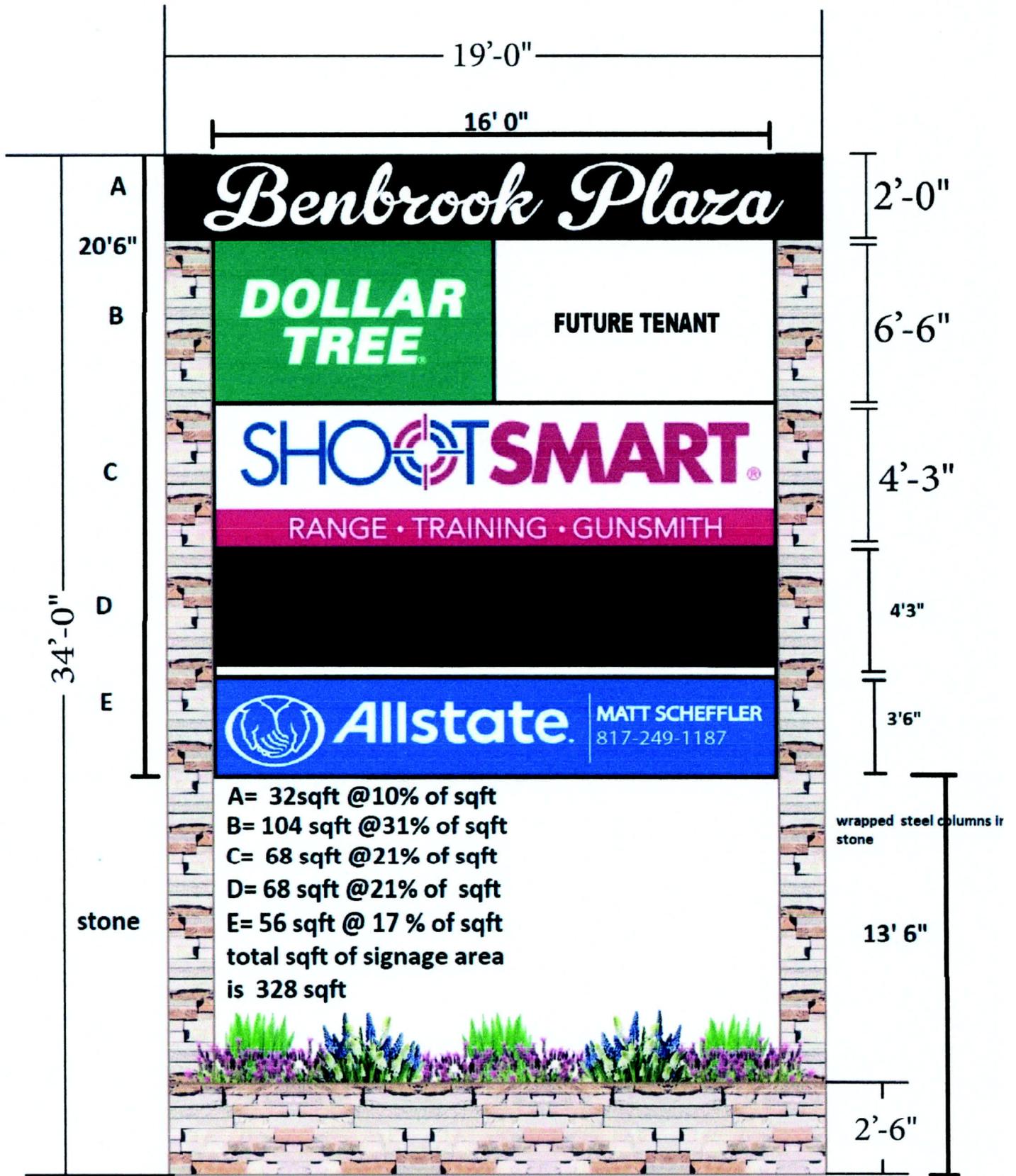
NO.	DATE	REVISION	BY

DOLLAR TREE
 LOT A-R-1-R, BLOCK 7
 HILLTOP HEIGHTS ADDITION
 BENBROOK, TX

Clay Moore
 ENGINEERING

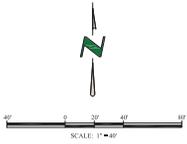
1003 CENTRAL DRIVE, SUITE 400
 BENBROOK, TX 77001
 PHONE: 817.261.5572
 WWW.CLAYMOOREENGINEERING.COM





PROPERTY DESCRIPTION:
Being all of Lot A-R-1-R, HILLTOP HEIGHTS ADDITION, an addition to the City of Benbrook, Tarrant County, Texas, according to the Plat thereof recorded in Cabinet A, Page 588 of the Plat Records of Tarrant County, Texas.

TITLE COMMITMENT NOTES:
This survey was prepared without the benefit of a commitment for title insurance. Therefore, easements, agreements, or other documents, either recorded, or unrecorded may exist that affect the subject property that are not shown on this survey.



SURVEYOR'S NOTES:

1. Bearings and distances are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD 83) US Foot with a combined scale factor of 1.00012.
2. Elevations are referenced to the North American Vertical Datum of 1988 (NAVD83).
3. This property lies within Zone "X" (Unshaded), and Zone AE (Floodways) of the Flood Insurance Rate Map for Tarrant County, Texas and Incorporated Areas, map no. 48439C0290 K, with an effective date of September 25, 2009, via scaled map location and graphic plotting.
4. Monuments are found unless specifically designated as set.

NOTE REGARDING UTILITIES:

Utility locations are per observed evidence and the below sources:
DigTess - Request performed by others.
Source information from plans and markings will be combined with observed evidence of utilities to develop a view of the underground utilities. However, locating excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response. Where additional or more detailed information is required, the client is advised that excavation and/or a private utility locate request may be necessary.

LEGEND

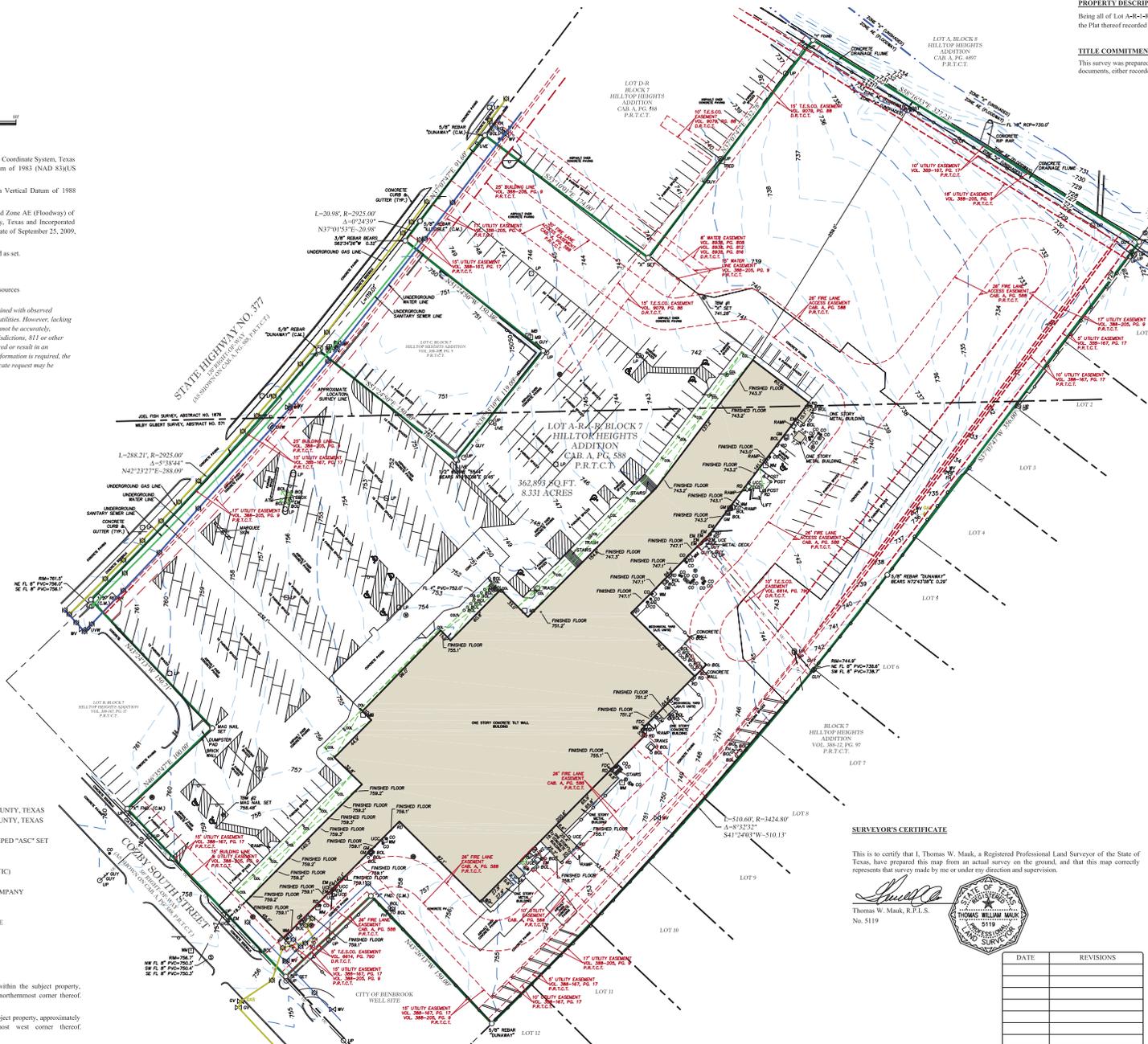
- ☐ air conditioning unit
- ☐ irrigation control valve
- ☐ cable tv
- ☐ electric meter
- ☐ fence or guardrail
- ☐ fire dept. connection
- ☐ fire hydrant
- ☐ mailbox
- ☐ floor drain
- ☐ gas inlet
- ☐ gas valve
- ☐ gas meter
- ☐ gas well
- ☐ sign
- ☐ sanitary sewer manhole
- ☐ storm water manhole
- ☐ telephone manhole
- ☐ tank fill lid
- ☐ telephone pedestal
- ☐ traffic signal pole
- ☐ utility clean out
- ☐ comm. utility cabinet
- ☐ electric utility cabinet
- ☐ comm. utility vault
- ☐ elect. utility vault
- ☐ water utility vault
- ☐ utility/service pole
- ☐ utility sign
- ☐ water shutoff
- ☐ water valve
- ☐ well
- ☐ water meter
- ☐ cable tv riser
- ☐ air release valve
- ☐ quality markings

▨ no parking area
▨ covered area
— contour lines

- LEGEND OF ABBREVIATIONS**
- D.R.T.C.T. DEED RECORDS, TARRANT COUNTY, TEXAS
 - P.R.T.C.T. PLAT RECORDS, TARRANT COUNTY, TEXAS
 - ROW RIGHT OF WAY
 - BS 1/2 INCH CAPPED REBAR STAMPED "ASC" SET
 - C.M. CONTROLLING MONUMENT
 - RCP REINFORCED CONCRETE PIPE
 - PVC POLYVINYL CHLORIDE (PLASTIC)
 - RD ROOF DRAIN
 - T.E.S.CO. TEXAS ELECTRIC SERVICE COMPANY
 - COL COLUMN
 - TRANS ELECTRIC TRANSFORMER
 - ATM AUTOMATIC TELLER MACHINE

SITE BENCHMARKS:

1. A box with an "X" cut on concrete paving within the subject property, approximately 220' south and 93' west of the northernmost corner thereof. Elevation=741.28'
2. A MAG nail set in asphalt paving within the subject property, approximately 82' east and 2' south of the southernmost west corner thereof. Elevation=758.48'



SURVEYOR'S CERTIFICATE

This is to certify that I, Thomas W. Mauk, a Registered Professional Land Surveyor of the State of Texas, have prepared this map from an actual survey on the ground, and that this map correctly represents that survey made by me or under my direction and supervision.

Thomas W. Mauk
Thomas W. Mauk, R.P.L.S.
No. 5119

DATE	REVISIONS

BOUNDARY/TOPOGRAPHIC SURVEY

LOT A-R-1-R, BLOCK 7
Hilltop Heights Addition
City of Benbrook, Tarrant County, Texas

DRAWN BY: CHECKED: T.A. DATE: 07-29-2018 JOB NO.: 201807007

WINDROSE
 LAND SURVEYING & PLATTING
2508 BURN STREET, SUITE 200 | FORT WORTH, TX 76107 | 817.297.2544
WWW.BOUNDARYANDTOPO.COM | INFO@WINDROSEENGINEERING.COM

CLAY MOORE
 ENGINEERING
1303 Central Drive Suite 4006 Bedford, Texas 76021 Phone: 817-281-0572

Aerial

N



ZBA-19-01 - Request to authorize
the alteration of a non-conforming sign

Location:
Benbrook Plaza
9441 Benbrook Blvd

Applicable Ordinances

17.100.100 [Non-conforming] Signs

The lawful location and maintenance of commercial signboards and billboards existing at the time of passage of this Ordinance may be continued, although such use does not conform with the provision hereof, provided, however, that no alterations are made thereto and provided, however, any sign installed and in use prior to the enactment of this Ordinance will not be restricted by the Ordinance so long as its location, height, basic construction, message and other significant characteristics remain unchanged. Any sign in any zoning district which is rebuilt, relocated, modified, enlarged, extended, altered other than by normal maintenance to the configuration existing at the time of enactment of this Ordinance shall be regulated by this Ordinance.

17.08.020 - Definitions

“Sign, non-conforming” means any sign that was lawfully constructed and maintained prior to the effective date of [Title 17 – Zoning of the City of Benbrook] and which does not conform to the requirements of [Title 17].

“Sign alteration” means any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

17.92.030. K.2 – Administrative procedures [Sign Ordinance]

The [Zoning Board of Adjustment] shall have the following powers:

2. To authorize the alteration or reconstruction of a nonconforming sign provided such reconstruction does not, in the judgment of the board, increase the degree of nonconformity of the sign and that the long-term goal of bringing signs into compliance is achieved.