NOTICE OF MEETING OF THE
PLANNING AND ZONING COMMISSION
TUESDAY, OCTOBER 27, 2026 – 6:00 PM
COUNCIL CHAMBERS ROOM 1098
405 E. LOOP STREET, BUILDING 100
BUDA, TX 78610

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Regular Planning & Zoning Meeting** of the City of Buda, TX, will be held at which time the following subjects will be discussed and may be acted upon. In accordance with §551.127, members of the Governing Body may participate remotely by means of videoconference call. Should that occur, a quorum of the governing body will be physically present at the location noted above on this agenda.

A. CALL TO ORDER

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

E. PUBLIC COMMENT/PUBLIC TESTIMONY
Members of the public who wish to participate in Public Comment must complete a form and turn it into the City Clerk before the period provided for Public Comment is called for consideration by the presiding officer. Members of the public who wish to participate during the Public Testimony period provided for any item on the agenda must complete a form and turn it into the City Clerk before the item they wish to participate in is called for consideration by the presiding officer.

F. CONSENT AGENDA

F.1 Approval of the minutes of the regular meeting of the Planning and Zoning Commission held on September 22, 2026.

G. REGULAR AGENDA

G.1 Hold a Public Hearing, consideration, and possible action on a request by Rialto Studio on behalf of Persimmon, for a sign regulation variance from Unified Development Code (UDC) § 4.02.08C to allow for a single-tenant monument sign with an approximate area of 66 square feet, approximate width of 51 feet, and to reduce the required setback for the sign to 0 feet. This sign would be located on the property known as Persimmon Phase 1 Section 2, Lot 1, Block I, 3.44 acres; located North of the intersection at San Saba Drive and Comfort Drive, Buda, TX 78610. (V 26-06) (Planner Nathan Pino).

G.2 Hold a public hearing, consideration, and possible action on a request by Everbrite, on behalf of Sahir Ali, for a sign regulation variance request from UDC § 4.02.06B.1.a, to allow for a Changeable Electronic Variable Message (CEVM) sign in the Form District 4 (F4) and that is not within a 300-foot distance of I-35. The sign is to be located on the property known as Santa Cruz Subdivision Lot A, 0.77 acres; City of Buda, Hays County, Texas. Addressed as 204 FM 2001 (V 26-07) (Planner Nate Pino)

H. DEVELOPMENT SERVICES DIRECTOR'S REPORTS

Developments, Engineering Department, Annual Budget, Transportation Mobility and Master Plan, 2014 & 2021 Bond Program, Capital Improvement Projects, Drainage Projects, Wastewater Projects, and Water Project, General/Special Election, Grant Related Projects, Legislative Update, Library Projects, Main Street Program, Buda Economic Development Corporation (EDC), Tourism Projects, Parks & Recreation Department, Historic Preservation Commission, Sustainability Commission, MFV Ad Hoc Committee, Road Projects, Status-Future Agenda Request, Strategic Plan (Development Services Director/City Engineer Angela Kennedy)

I. COMMISSION REQUESTS FOR FUTURE AGENDA ITEMS

J. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Buda will provide reasonable accommodations for persons attending and participating in public meetings. The facility is wheelchair accessible, with accessible parking at the front of the building. Requests for sign interpreters, auxiliary aids, or special services must be received seventy-two (72) hours before the meeting by calling the ADA Coordinator at (512) 523-1043, by FAX (512) 523-8896, or by completing the online form at www.budatx.gov/ADA for information or assistance.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Buda, was posted on the bulletin board in front of Buda City Hall, which is readily accessible to the public at all times, by 6:00 pm on October 21, 2026.

/s/_____
Angela Kennedy, P.E., CFM
Development Services Director/City Engineer

Meetings scheduled in the Council Chambers are set up to publicly broadcast meetings. You may be audio and video recorded while in this facility. Meetings scheduled in other City Facilities are set up to publicly audio record meetings. You may be audio recorded in the other City Facilities.

In accordance with Article III, Section 3.10, of the Official Code of the City of Buda, the minutes of this meeting consist of the preceding Minute Record and the Supplemental Minute Record. Details on meetings may be obtained from the Board Liaison, or video of the entire meeting may be downloaded from the website. (Portions of the Supplemental Minute Record video tape recording may be distorted due to equipment malfunction or other uncontrollable factors.)

A Public Comment period will be provided to allow for members of the public to participate and speak to the Board/Commission on any topic that is not on the meeting agenda. At this time, comments will be taken from the audience on non-agenda related topics. A Public Testimony period will be provided at each meeting of the Board/Commission to allow members of the public to participate and speak to the Board/Commission on any topic that is on the meeting agenda, prior to any vote on the matter up for consideration. During these periods, the presiding officer shall routinely provide three (3) minutes to each person who desires to speak but may provide no less than one (1) minute and no more than five (5) minutes to each person addressing the Board/Commission. The amount of time provided to each person, if altered by the presiding officer, shall be announced by the presiding officer prior to recognizing persons to speak and shall be objectively applied to all persons speaking during Public Comment or each Public Testimony period.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

Agenda Item Report

Legislative Board:	Planning and Zoning Commission
Date:	October 27, 2026
Contact:	Victor Escamilla
Agenda Item ID / Number:	2026-858 / F.1

ITEM TITLE: Approval of the minutes of the regular meeting of the Planning and Zoning Commission held on September 22, 2026.

1. EXECUTIVE SUMMARY

2. BACKGROUND/HISTORY

3. ANALYSIS

4. FINANCIAL IMPACT

5. STRATEGIC PLAN/GOALS
OTHER

6. STRATEGIC PLAN OBJECTIVES
Other

7. PROS AND CONS

8. ALTERNATIVES

9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION

Attachments:

9.22.26_P&Z Minutes.pdf

CITY OF BUDA
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 22, 2026 – 6:00 PM

A. CALL TO ORDER

Chair Nuckels called the meeting to order at 6:00 pm.

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Chair – David Nuckels	Present
Vice Chair – Lori Moya	Present
Commissioner – Megan Flake	Present
Commissioner – Jim Ladner	Present
Commissioner – Michael Phillips	Present
Commissioner – Colin Strother	Present
Commissioner – Chris Ulibarri	Absent
Ex-Officio – LaVonia Horne-Williams (Councilmember At-Large Position 3)	Present

E. PUBLIC COMMENT/PUBLIC TESTIMONY

None.

F. CONSENT AGENDA

F.1 Approval of the minutes of the regular meeting of the Planning and Zoning Commission held on September 8, 2026.

A motion to approve the consent agenda was made by Vice Chair Moya and seconded by Commissioner Flake. The motion carried 6-0.

G. REGULAR AGENDA

G.1 Hold a Public Hearing, consideration and possible action on a request by Kimley-Horn on behalf of MI Homes of Austin LLC, for a Final Plat and Replat known as The Colony Phase 2A Plat, consisting of approximately 12.830 acres out of the S.V.R Eggleston Survey No. 3, Abstract No.5, and being a portion of Lot 1 of the Scales Subdivision, located in the City of Buda, Texas, 78610 (FP 25-08) (Will Parish, Assistant Director of Development Services)

A public hearing was opened at 6:03 pm. The public hearing was then closed at 6:03 pm.

Assistant Director of Development Services Will Parrish presented the item to the Commission.

Staff explained that the Colony Phase 2A Plat covers approximately 12.830 acres and includes 61 residential lots, 1 parkland lot, and 3 landscape lots. The subdivision is regulated by both a Development Agreement (DA) and a Planned Development (PD), both of which the plat was found to be in compliance with. The plat provides for the dedication of right-of-way and includes provisions for water and wastewater service from the City of Buda.

At the time of presentation, a majority of public improvements were already under construction, with roads already cut and work actively ongoing. A surety bond and public improvement agreement (PIA) have been executed to cover remaining improvements, as required prior to approval and recordation.

Staff recommended approval of the request as submitted.

A motion to recommend approval of the request as presented was made by Commissioner Strother and seconded by Commissioner Ladner. The motion carried with a vote of 6-0.

G.2 Hold a Public Hearing, consideration, and possible action on a request by Kimley-Horn for a Specific Use Permit to allow the “Outside Storage” use on a property in the Light Industrial (LI) District at Buda Industrial Subdivision, Block A, Lot 2, addressed as 318 Commerce Center Drive, City of Buda, Texas, 78610 (SUP 26-04) (Senior Planner Victor Escamilla) [PUBLIC TESTIMONY]

A public hearing was opened at 6:10 pm. The public hearing was then closed at 6:10 pm.

Senior Planner Victor Escamilla presented the item to the Commission.

Staff explained that the applicant proposes a 12,034 square foot outdoor storage area to be established directly north of an existing shell warehouse structure. The area would be enclosed on the west, east, and north sides by 6-foot masonry screening walls, with a 15-

foot wide wrought iron gate at the northeast corner. An additional 6-foot masonry screening wall is proposed at the northwest corner of the existing warehouse structure. The storage area would occupy approximately 5% of the total lot area, well under the maximum allowable 10%.

Staff noted that the Commission had previously approved two related Specific Use Permits (SUPs) in the vicinity: SUP 24-05 in January 2025 for a contractor's storage yard on the immediately adjacent lot to the east, and SUP 25-05 in September 2025 for an outside storage area on the property directly to the north.

In analyzing applicable SUP criteria, staff found that the proposed storage area would not obstruct drive aisles, sidewalks, or access easements, and would sit more than 330 feet from Commerce Center Drive to the south. Ingress and egress, drainage, and fire protection infrastructure were all previously established through prior permitting actions. The Buda Fire Department reviewed and approved the proposed site modifications. With the addition of 6 parking spaces required by code for outside storage use, the site would still maintain a substantial surplus of parking.

Staff recommended approval of the request as submitted.

Commissioner Flake asked whether the storage area would obstruct maneuvering space for tractor-trailers serving neighboring tenants. Staff confirmed the existing drive aisle to the north, approximately 40–45 feet wide, would not be obstructed.

A motion to recommend approval of the request as presented was made by Commissioner Strother and seconded by Commissioner Ladner. The motion carried with a vote of 6-0.

H. DEVELOPMENT SERVICES DIRECTOR'S REPORTS

Development Services Director Angela Kennedy reported on several items including the upcoming regular meeting of the Planning and Zoning Commission on October 13, 2026 being cancelled due to a lack of business. Development Services staff will be attending the APA Texas conference in Irving, Texas during the week of October 12 to October 16. The next scheduled Planning and Zoning Commission meeting would take place on October 27, 2026. Staff also mentioned several topics on the agenda regarding sidewalks, fee-in-lieu, and more. Staff mentioned the upcoming UDC update trip for a Design Workshop on September 23, 2026. Staff reminded the commission that there would be a joint meeting with City Council on October 20, 2026.

I. COMMISSION REQUESTS FOR FUTURE AGENDA ITEMS

There were no requests for future agenda items.

J. ADJOURNMENT

A motion to adjourn the meeting was made by Chair Nuckels and seconded by Commissioner Strother. The motion carried 6-0. The meeting was adjourned at 6:25 pm.

Agenda Item Report

Legislative Board:	Planning and Zoning Commission
Date:	October 27, 2026
Contact:	Nathan Pino
Agenda Item ID / Number:	2026-812 / G.1

ITEM TITLE: Hold a Public Hearing, consideration, and possible action on a request by Rialto Studio on behalf of Persimmon, for a sign regulation variance from Unified Development Code (UDC) § 4.02.08C to allow for a single-tenant monument sign with an approximate area of 66 square feet, approximate width of 51 feet, and to reduce the required setback for the sign to 0 feet. This sign would be located on the property known as Persimmon Phase 1 Section 2, Lot 1, Block I, 3.44 acres; located North of the intersection at San Saba Drive and Comfort Drive, Buda, TX 78610. (V 26-06) (Planner Nathan Pino).

1. EXECUTIVE SUMMARY

This is a Public Hearing and action item regarding a sign variance request to allow for a single-tenant electric monument sign with an approximate area of 66 square feet, approximate width of 51 feet, and to reduce the required setback for the sign to 0 feet. The monument sign is to be constructed for the Persimmon Amenity Center (Block I, Lot 1) on an approved retaining wall along the southern entrance of the amenity center. The sign is to act as the primary entry signage to display the various amenities offered alongside community identification.

The proposal requires sign regulation variances as UDC § 4.02.08C limits the maximum are for a single-tenant monument sign to 35 square feet in the Transitional Residential (R-4) zoning district; UDC § 4.02.08C also limits the width of single-tenant monument signs to 15 feet; UDC § 4.02.08C also limits the setback of monument signs to a minimum of 10 feet from all property lines.

In considering of whether to grant relief from UDC signage regulations, the Planning and Zoning Commission may consider whether: There are special or unique circumstances or conditions arising from the physical surroundings, shape, topography, or other feature affecting the property on which the sign is to be located. The circumstances causing the hardship similarly affect all or most properties in the vicinity of or similarly classified as the applicant's property. The proposed sign location, configuration, design, materials, colors, and supporting structure are harmonious with the surrounding structures. The variance request includes mitigation measures related to the sign in question or other signs on the same premises. The request is the minimum amount necessary to meet the needs of the applicant and satisfy the standards of the sign regulations. The relief sought alters the character of, or impairs the use of, adjacent properties. The hardship suffered by the applicant is caused wholly or in substantial part by the applicant. The relief is sought is not primarily for financial reasons. Granting of the variance will be in harmony with the spirit and purpose of the sign regulations.

2. BACKGROUND/HISTORY

This property is located within Persimmon Phase 1 Section 2, with an assigned zoning district of One and Two Family Residential (R-3) and Transitional Residential (R-4) set forth as part of the

Development Agreement (Ordinance 2024-30) and Planned Development. As part of the Development Agreement (DA) and the PD, the Rural Heritage Overlay does not apply. There have been 3 previous sign variance requests approved by the Planning & Zoning Commission;
1. Secondary Entry Monument Sign located 2001 Northland Drive, with a variance for width allowed up to 41 feet that was approved 10/14/2025 (V 25-09).
2. Commercial Cistern Monument Sign, located at the NE Corner of the FM 967 Roundabout, with 4 variances including; area of 72 square feet, height of 46 feet, a width of 111.17 feet, and setback reduction to 2.1 feet and;
3. Commercial Tenant Monument Sign with 3 variances including; area of 72 square feet, a width of 111.17 feet, and a setback reduction to 2.1 feet, both 2 and 3 were approved on 01/27/2026 (V 25-08).

The applicant has also submitted a common signage plan application (2025-369) that includes the proposed single-tenant monument amenity center sign alongside the previously approved signs (cistern monument, commercial tenant monument, and secondary entry).

3. ANALYSIS

Variance Request	UDC Section	Means	Requirement	Applicant Proposal
1	4.02.08C	Setback	A 10-foot setback is required for monument sign(s).	Reduce the required setback to 0’.
2	4.02.08C	Total Width	Monument signs for single tenants (R-4) have a maximum width of 15’.	Allow the maximum width to be 51’.
3	4.02.08C	Total Area	Monument signs (R-4) are not permitted to be greater than 35 sq ft.	Allow the maximum area to be 66 sq ft.

1. Variance (Setback)

Section 4.02.08C states that Monument signs (Single) with a zoning designation of R-4 (Transitional Residential) shall have a minimum setback of 10’. The applicant is requesting a variance to allow for the amenity center sign to be placed along the southwestern property line, on an approved retaining wall. Applicant claims this will prevent the construction of an additional structure that may prove difficult to fit on the remaining lot space and naturally provide a canvas for the proposed signage for the amenity center.

2.Variance (Total Width)

Section 4.02.08.C states that Monument signs (Single) with a zoning designation of R-4 (Transitional Residential) shall have a maximum width 0f 15’. The applicant is requesting a width of 51’ rather than the allowed 15’. In accordance with UDC Subsection 4.02.07D, the entirety of the monument sign’s structure width is accounted for in dimensional calculations. However, the width of the proposed signage is only 21.5’, whereas the 51’ being requested by the applicant reflects the

approved retaining wall's width.

3.Variance (Total Area)

UDC Subsection 4.02.08C states that the maximum allowable area for a single Monument Sign in the R-4 District is 35 sq ft. The applicant is requesting a 66 square foot sign, that is 88% larger than is allowed in the R-4 District. The applicant has stated that the proposed sign area is needed to effectively direct users to the amenities within the site.

Sign Variance Criteria

1. **There are special or unique circumstances or conditions arising from the physical surroundings, shape, topography, or other feature affecting the property on which the sign is to be located;**
    - There are no special or unique circumstances or conditions arising from the physical surroundings, shape, topography, or other features affecting the property.
2. **The circumstances causing the hardship similarly affect all or most properties in the vicinity of or similarly classified as the applicant's property;**
    - Staff does not find there to be any hardships for this proposal.
3. **The proposed sign location, configuration, design, materials, colors, and supporting structure are harmonious with the surrounding structures;**
    - Staff finds that the proposed sign location and configuration to be harmonious with the surrounding structures, the sign's location on the retaining wall allows for minimal construction of additional structures and optimal visibility.
4. **The variance request includes mitigation measures related to the sign in question or other signs on the same premises;**
    - The variance would allow the applicant to place the signage on an already approved retaining wall, rather than needing to erect a new monument sign base.
5. **The request is the minimum amount necessary to meet the needs of the applicant and satisfy the standards of the sign regulations;**
    - Staff does not find the sign to be the minimum amount necessary to satisfy both the applicant and Sign Regulations because it still exceeds the maximum 35 square feet. However, some regulations for a monument sign are met including; height not exceeding 12 feet, and illumination allowed in R-4 zoning district (so long as an auto dimmer is provided).
6. **The relief sought alters the character of, or impairs the use of adjacent properties;**
    - Staff does not find the relief to alter or impair the character of adjacent properties;
7. **The hardship suffered by the applicant is caused wholly or in substantial part by the applicant**;
    - staff does not find there to be any hardships for the proposal.
8. **The relief sought is not primarily for financial reasons***;*
    - The proposed signage is primarily for wayfinding purposes and directing users within the Persimmon community to the amenities provided.
9. **Granting of the Sign Variance will be in harmony with the spirit and purpose of the sign regulations;**
    - Staff finds that granting the Sign Variance would generally not be in harmony with the spirit and purpose of the UDC's sign regulations. Granting of the sign regulation variance would likely not be harmonious since the UDC does not intend to allow single-tenant monument signs at this width, area, or setback.

4. FINANCIAL IMPACT

Consideration of the variance has no financial impact.

5. STRATEGIC PLAN/GOALS
BALANCED AND INTENTIONAL GROWTH

6. STRATEGIC PLAN OBJECTIVES
OTHER

7. PROS AND CONS
Pros: The Persimmon neighborhood receives optimal wayfinding to enhance connectivity within the community.
Cons: Continuance of issuing sign variances could lead to a lack of regulatory consistency.

8. ALTERNATIVES
The Planning and Zoning Commission may make a motion to:

- Approve as presented.
- Approve with conditions.
- Deny
- Table for future consideration.

9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION
Staff has reviewed the request for the Sign Variances to UDC Sections 4.02.08C, 4.02.10, and 4.02.12D and submits for consideration to the Planning & Zoning Commission.

Attachments:

V 26-06 Letter
Retaining_wall_sign.png
Location.png
Dimension.png
G1 Presentation

RIALTO STUDIO

June 23, 2026

Persimmon Common Signage Plan IA1 (Case #: 2025-369) Amendment 1

Sign Variance Request

Amenity Center Sign – Block I, Lot 1

Planning and Zoning Commission

CONTEXT

- Persimmon will be the second largest subdivision development within Buda, TX.
- Development Agreement encourages maintaining the character of Buda, emphasizes tree preservation, and provides pedestrian access with trails throughout.
- The property is zoned Persimmon PD (No. Z24-07) with base zonings of R-3 and F-4 per Ordinance No. 2025-08.
- Persimmon is a mixed-use project consisting mostly of residential lots (approximately 2300), approximately 21.5 acres of commercial lots, and over 40 acres of parkland and open space with trails.

VARIANCE REQUEST FOR AMENITY CENTER SIGN

The applicant is proposing that the Amenity Center Sign be affixed to a retaining wall, eliminating the need for additional structures within the area, and creating a clean and inviting entry point to the Persimmon Amenity Center. Construction and placement of the retaining wall were previously approved pursuant to Persimmon Section 2 Construction Plans (Case #2024-590) and is not subject to, or impacted by, this variance request. The Amenity Center Sign consists of two separate sign areas that serve two different functions - (1) the name of the amenity center - 'Persimmon Commons', and (2) an informational/wayfinding plaque that lists amenities located within the site.

The applicant is seeking three variances for the **Amenity Center Sign** from City of Buda UDC, Section 4.02, which include (1) a reduction in the setback, (2) increase in the sign width, and (3) increase in the sign area. The Amenity Center Sign would be classified as a Monument Sign per Section 4.02.08.C.1.



Common Signage Plan IA1, Amenity Center Sign, p. 13

The **Amenity Center Sign** is proposed to be located at the southern corner of the Amenity Lot (Block I, Lot 1) in Persimmon Section 2, affixed to a retaining wall that was previously permitted as a part of the Construction Plans (Case #2024-590). There is significant elevation difference between the southern tip of the Amenity Lot and the finished floor elevations of the amenity buildings. The retaining wall was placed in a position that maximizes user areas for the amenities above. The informational/wayfinding plaque included on the Amenity Center Sign directs users to the amenities provided.

The Amenity Lot has a base zoning of R-3.

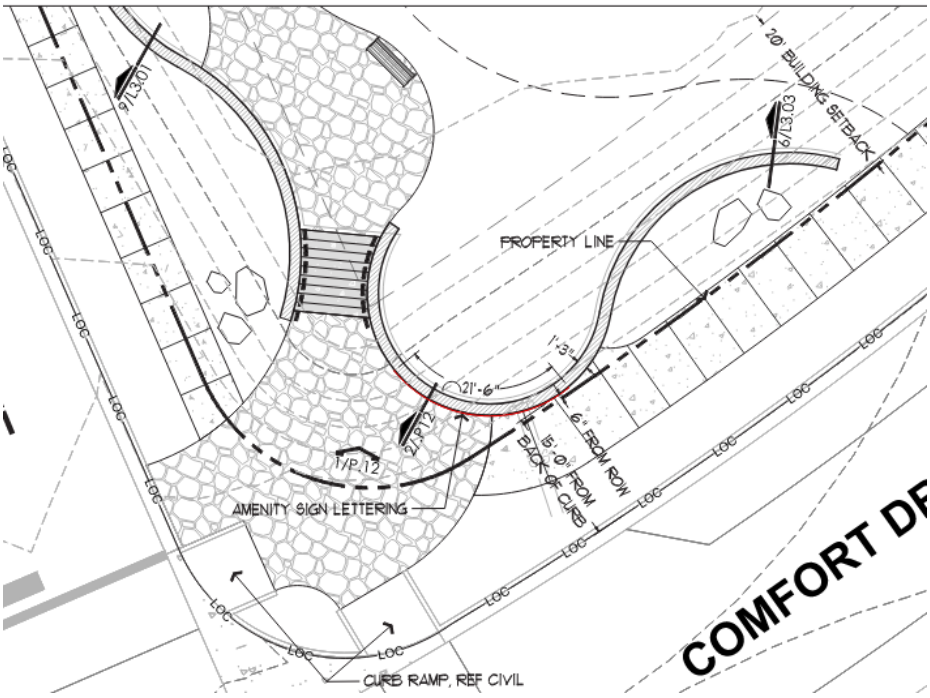


Common Signage Plan IA1, Overall, Amenity Center Sign, p. 3.

VARIANCE 1 – SETBACK REQUEST

Per City of Buda UDC, Section 4.02.08.C, Monument Signs are required to set back at least ten feet (10') from the interior property lines. The applicant is requesting a variance to allow the Amenity Center Sign to be located zero feet (0') from the property line along Comfort Drive. The retaining wall is approved in this location and prevents an additional structure for a visible sign to be constructed in a manner that would comply with the required 10' setback. In lieu of an additional structure, the retaining wall itself is proposed to be the base structure for the sign. Because the Amenity Center

Sign is being mounted on the retaining wall, and the location of the retaining wall leaves insufficient space for an additional sign structure, the resulting location for the Amenity Center Sign creates a special or unique circumstance that justifies the grant of this variance approval.

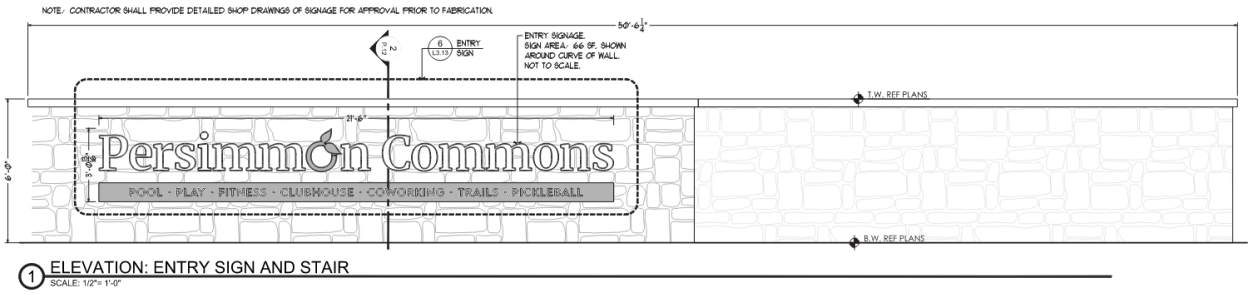


Common Signage Plan IA1, Amenity Center Sign, p. 11

VARIANCE 2 – SIGN WIDTH REQUEST

Per City of Buda UDC, Section 4.02.08.C, Monument Signs for single tenants have a maximum width allowed of fifteen feet (15'). The applicant is requesting a variance to increase the allowable overall width for the Amenity Center Sign to be 51'.

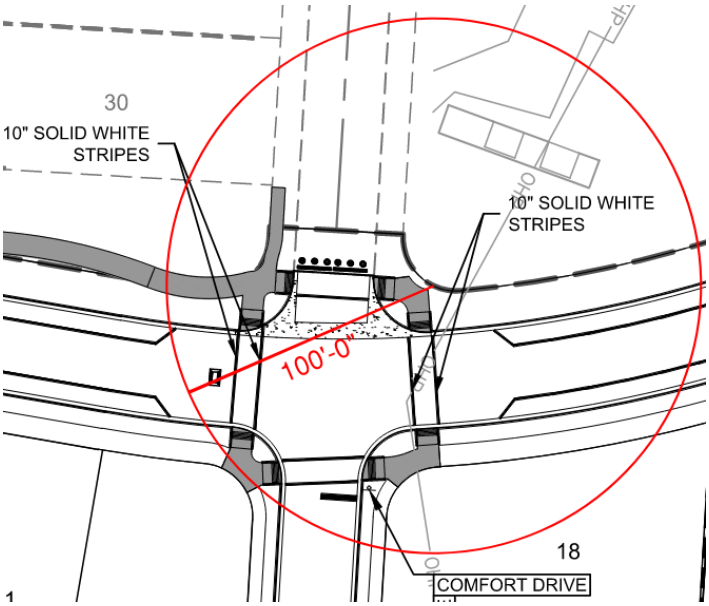
The applicant is proposing that the Amenity Center Sign be affixed to the retaining wall. This technically makes the width of the retaining wall the calculated width of the Amenity Center Sign per the definition in City of Buda UDC, Section 4.02.08.C. The length of the retaining wall itself exceeds the maximum width allowed for Monument Signs per City of Buda UDC, Section 4.02.08.C. Attaching the Amenity Center Sign to the retaining wall allows the wall to serve dual purposes and maximizes the aesthetic and simplicity of the signage.



Common Signage Plan IA1, Amenity Center Sign, p. 12

The actual sign width of the "Persimmon Commons" amenity sign is twenty-one feet and six inches (21'-6") wide. The length of the sign is to accommodate the length of the name itself while the

letters are no larger than what is proposed on the approved Secondary Entry Sign. Most users of the Amenity Center are anticipated to use vehicles for transport. Considering the sign is meant to be visible from the south intersection of Comfort Drive and San Saba Drive (approximately 100 LF away), the letters are sized appropriately for vehicular users to see the sign from a safe distance to prepare for a turn.



Persimmon Section 1 Revision 3 Approved Construction Plans (Case #2024-585), p. 27

VARIANCE 3 – SIGN AREA REQUEST

Per City of Buda UDC, Section 4.02.08.C, Monument Signs have a maximum sign area of thirty-five square feet (35 SF). The applicant is requesting a variance to increase the allowable overall sign area for the Amenity Center Sign to sixty-six square feet (66 SF).

The sign area of 'Persimmon Commons' is 26 SF and identifies the community. The informational/wayfinding plaque located below the community's name is 17 SF and serves the separate function of directing users to the amenities within the site. The two different sign areas are proposed to share one structure, the retaining wall, to avoid constructing additional, separate structures in front of the wall or in a location that fails to advance the purpose of the signage. Individually, each sign area is under the maximum allowed square footage of 35 SF and comply with City of Buda UDC, Section 4.02.08.C. When combined, the plaque and sign area are 43 SF, with spacing between the sign area increasing the overall sign area to 66 SF.

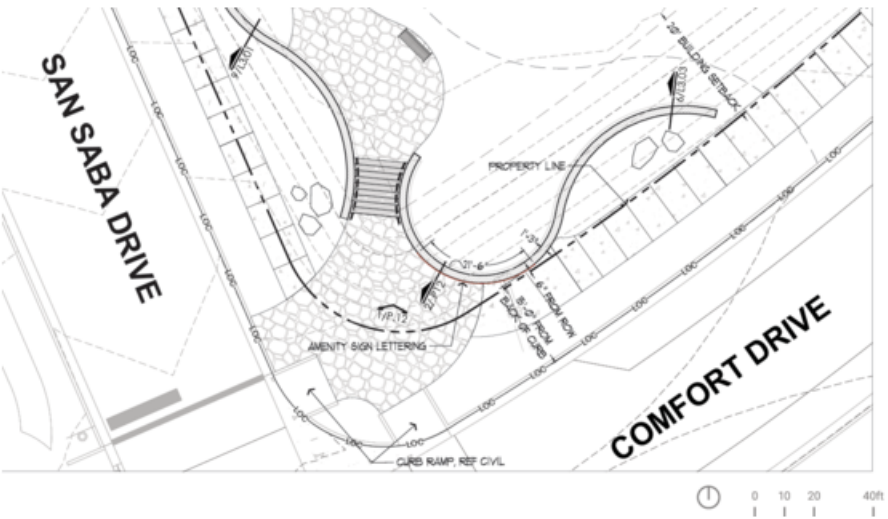


Common Signage Plan IA1, Amenity Center Sign, p. 13

SIGN VARIANCE CRITERIA

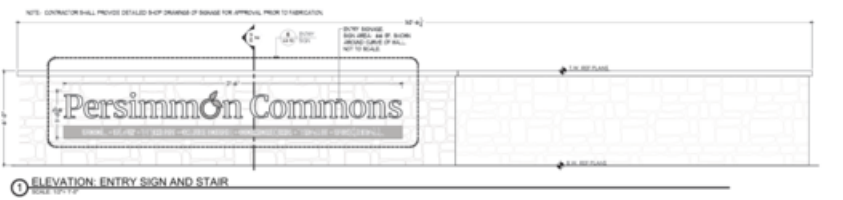
The dual purpose of the retaining wall in acting as the Amenity Center Sign creates a special or unique circumstance. The Amenity Center Sign is harmonious with the surrounding structures and promotes the character of the City of Buda. Also, affixing both the community identification and the amenity wayfinding signage to the retaining wall eliminates the need for additional structures in the area, creating a clean and inviting entry point to the site. The variances requested for the Amenity Center Sign are the minimum amount necessary and do not alter the character of, or impair the use of, adjacent property. The hardship is not wholly caused by the applicant, and the purpose of the variance request is not for financial reasons. The variance request aligns with the spirit and purpose of the sign regulations.


AMENITY ENTRY SIGN
LETTERING, (AREA: 65.98 SF)
Persimmon Commons
CMU WALL
WITH STONE
VENEER AND
CAPSTONE


SAN SABA DRIVE
COMFORT DRIVE
PROPERTY LINE
20' BUILDING SETBACK
AMENITY SIGN LETTERING
CURB RAMP, REF CIVIL
0
10
20
40ft

Amenity Entry Sign

Dimensions, Elevations and Details



1 ELEVATION: ENTRY SIGN AND STAIR

REGULAR AGENDA

G.1. Hold a Public Hearing, consideration, and possible action on a request by Rialto Studio on behalf of Persimmon, for a sign regulation variance from Unified Development Code (UDC) § 4.02.08C to allow for a single-tenant monument sign with an approximate area of 66 square feet, approximate width of 51 feet, and to reduce the required setback for the sign to 0 feet. This sign would be located on the property known as Persimmon Phase 1 Section 2, Lot 1, Block I, 3.44 acres; located North of the intersection at San Saba Drive and Comfort Drive, Buda, TX 78610. (V 26-06) (Nathan Pino, Planner 1)

G.1. PERSIMMON PHASE 1 (Amenity Center Sign) SIGN REGULATION VARIANCE

Project Background:

- *This property is located within Persimmon Phase 1 Section 2, with an assigned zoning district of One and Two Family Residential (R-3) and Transitional Residential (R-4) set forth as part of the Development Agreement (Ordinance 2024-30) and Planned Development. As part of the Development Agreement (DA) and the PD, the Rural Heritage Overlay does not apply. There have been 3 previous sign variance requests approved by the Planning & Zoning Commission;*

G.1. PERSIMMON PHASE 1 (Amenity Center Sign) SIGN REGULATION VARIANCE

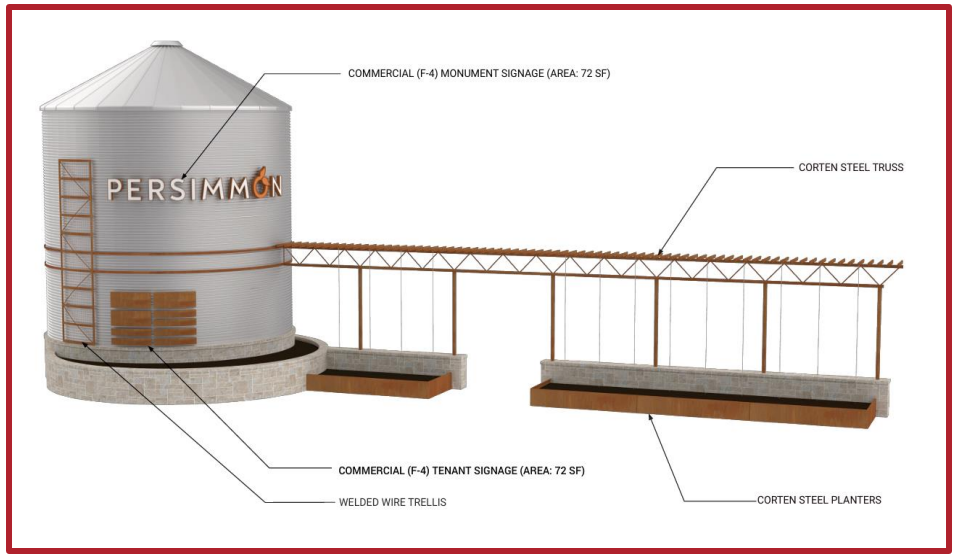
- *1. Secondary Entry Monument Sign located at 2001 Northland Drive, with a variance for width allowed up to 41 feet that was approved 10/14/2025 (V 25-09).*

- *2. Commercial Cistern Monument Sign, located at the NE Corner of the FM 967 Roundabout, with 4 variances including: area of 72 square feet, height of 46 feet, a width of 111.17 feet, and setback reduction to 2.1 feet.*

- *3. Commercial Tenant Monument Sign with 3 variances including; area of 72 square feet, a width of 111.17 feet, and a setback reduction to 2.1 feet. Both 2 and 3 were approved on 01/27/2026 (V 25-08).*

G.1. PERSIMMON PHASE 1 (Amenity Center Sign) SIGN REGULATION VARIANCE

- *The applicant has also submitted a common signage plan application (2025-369) that includes the proposed single-tenant monument amenity center sign alongside the previously approved signs (cistern monument, commercial tenant monument, and secondary entry).*

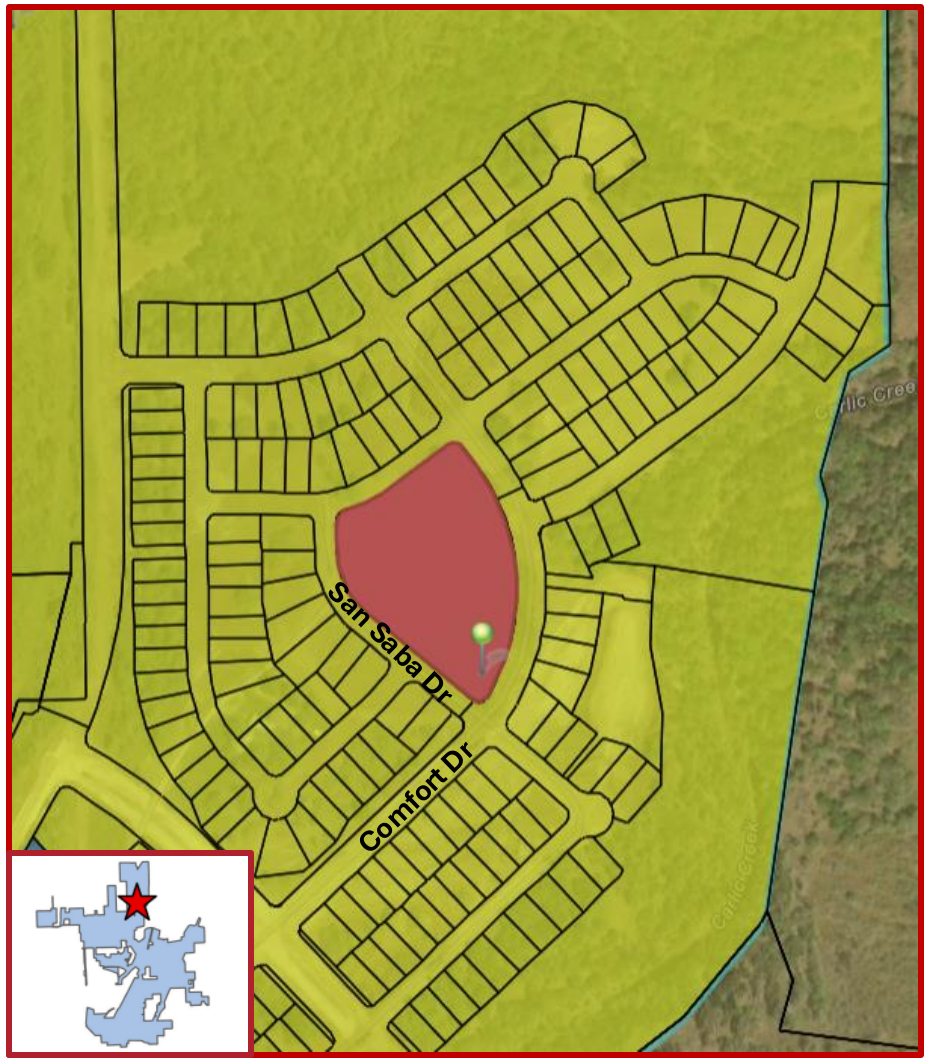




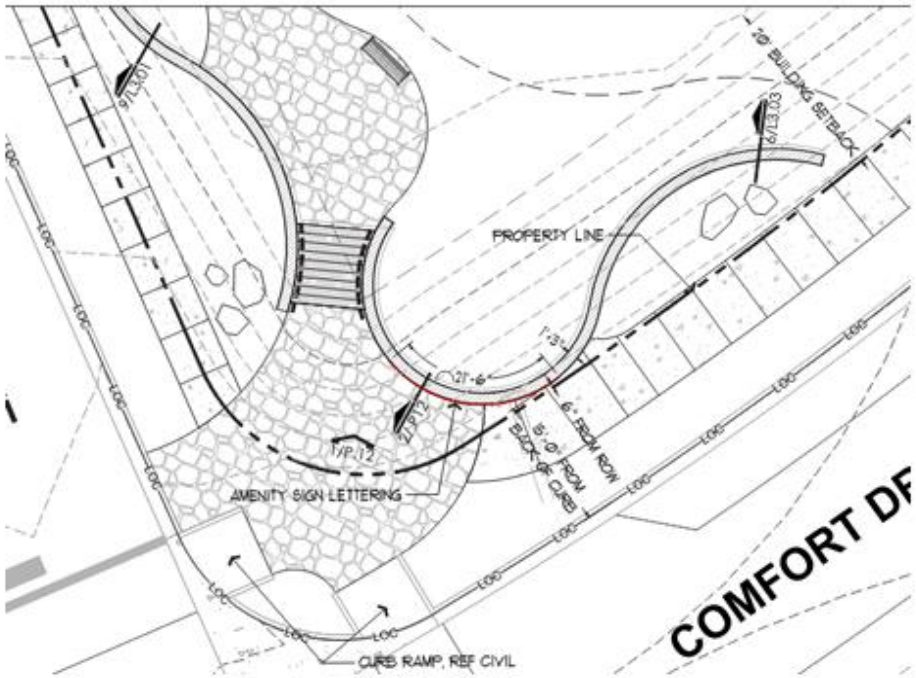
G.1. PERSIMMON PHASE 1 (Amenity Center Sign) SIGN REGULATION VARIANCE

Summary:

- *The applicant is requesting a sign regulation variance for the proposed monument sign. The signage is to be located to the south of the property on an already approved retaining wall.*
- *Proposed signage requires approximately 6'x51' single-tenant sign with roughly 66 square feet of signage area.*
- *This proposal requires a variance to the following section:*
  - *UDC § 4.02.08C.*





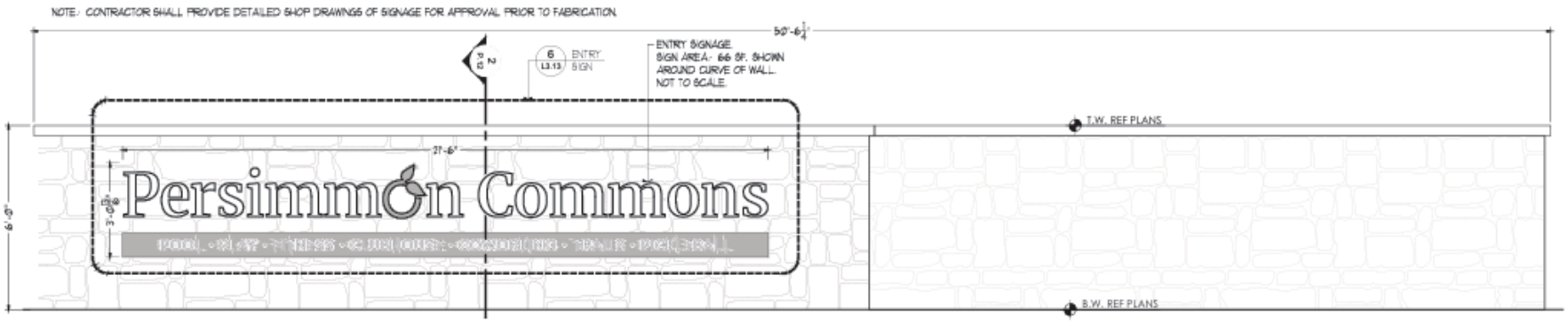


Common Signage Plan IA1, Amenity Center Sign, p. 11

G.1 Persimmon Amenity Sign

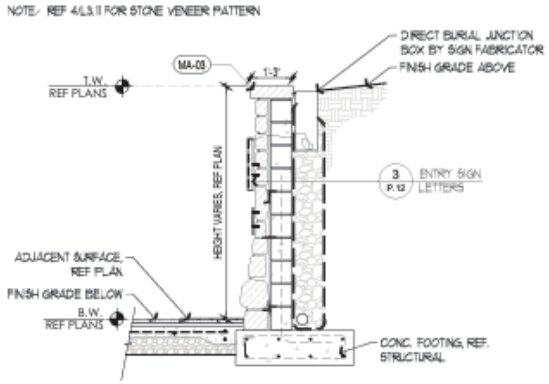
Variance Request	UDC Section	Means	Requirement	Applicant Proposal
1	4.02.08C	Setback	A 10-foot setback is required for monument sign(s).	Reduce the required setback to 0 feet.
2	4.02.08C	Total Width	Monument sign(s) for single-tenants (R-4) are allowed a maximum width of 15 feet.	Allow the maximum width to be 51 feet.
3	4.02.08C	Total Area	Monument signs (R-4) are not permitted to be greater than 35 sq feet.	Allow the maximum area to be 66 sq feet.


AMENITY ENTRY SIGN
LETTERING, (AREA: 65.98 SF)
Persimmon Commons
POOL · PLAY · FITNESS · CLUBHOUSE · COWORKING · TRAILS · PICKLEBALL
CMU WALL
WITH STONE
VENEER AND
CAPSTONE



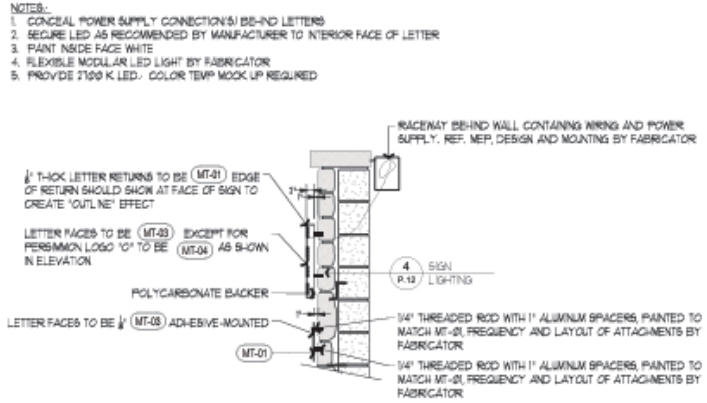
1 ELEVATION: ENTRY SIGN AND STAIR

SCALE: 1/2" = 1'-0"



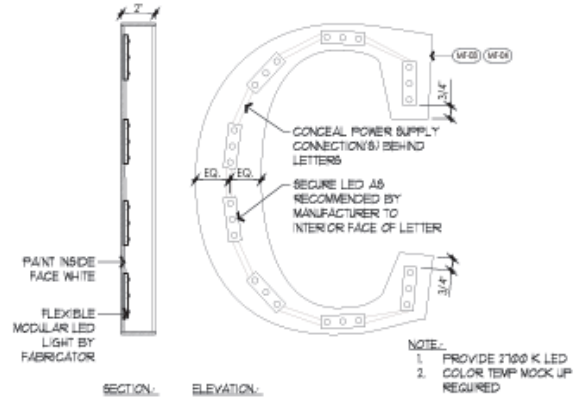
2 SECTION: ENTRY WALL AND SIGN

Scale: 1/2"=1'



3 SECTION: ENTRY SIGN LETTERS

SCALE: 3/4" = 1'-0"



4 DETAIL: SIGN LIGHTING

SCALE: 3"= 1'-0"

G.1. PERSIMMON PHASE 1 (Amenity Center Sign) SIGN REGULATION VARIANCE

Evaluation Criteria for a Sign Regulation Variance:

1. *There are special or unique circumstances or conditions arising from the physical surroundings, shape, topography, or other feature affecting the property on which the sign is to be located.*
2. *The circumstances causing the hardship similarly affect all or most properties in the vicinity of or similarly classified as the applicant's property.*
3. *The proposed sign location, configuration, design, materials, colors, and supporting structure are harmonious with the surrounding structures.*
4. *The variance request includes mitigation measures related to the sign in question or other signs on the same premises.*
5. *The request is the minimum amount necessary to meet the needs of the applicant and satisfy the standards of the sign regulations.*
6. *The relief sought alters the character of, or impairs the use of, adjacent properties.*
7. *The hardship suffered by the applicant is caused wholly or in substantial part by the applicant.*
8. *The relief sought is not primarily for financial reasons.*
9. *Granting of the variance will be in harmony with the spirit and purpose of the sign regulations.*

G.1. PERSIMMON PHASE 1 (Amenity Center Sign) SIGN REGULATION VARIANCE

Staff Analysis:

1. **There are special or unique circumstances or conditions arising from the physical surroundings, shape, topography, or other feature affecting the property on which the sign is to be located;**
   - *There are no special or unique circumstances or conditions arising from the physical surroundings, shape, topography, or other features affecting the property.*

2. **The circumstances causing the hardship similarly affect all or most properties in the vicinity of or similarly classified as the applicant's property.**
   - *Staff does not find there to be any hardships for this proposal.*

G.1. PERSIMMON PHASE 1 (Amenity Center Sign) SIGN REGULATION VARIANCE

Staff Analysis:

3. **The proposed sign location, configuration, design, materials, colors, and supporting structure are harmonious with the surrounding structures.**
   - *Staff finds that the proposed sign location and configuration to be harmonious with the surrounding structures, the sign's location on the retaining wall allows for minimal construction of additional structures and optimal visibility.*
4. **The variance request includes mitigation measures related to the sign in question or other signs on the same premises.**
   - *The variance would allow the applicant to place the signage on an already approved retaining wall, rather than needing to erect a new monument sign base*.

G.1. PERSIMMON PHASE 1 (Amenity Center Sign) SIGN REGULATION VARIANCE

Staff Analysis:

5. **The request is the minimum amount necessary to meet the needs of the applicant and satisfy the standards of the sign regulations;**
   - *Staff does not find the sign to be the minimum amount necessary to satisfy both the applicant and Sign Regulations because it still exceeds the maximum 35 square feet. However, some regulations for a monument sign are met including; height not exceeding 12 feet, and illumination allowed in R-4 zoning district (so long as an auto dimmer is provided).*

6. **The relief sought alters the character of, or impairs the use of, adjacent properties.**
   - *Staff does not find the relief to alter or impair the character of adjacent properties.*

7. **The hardship suffered by the applicant is caused wholly or in substantial part by the applicant.**
   - *Staff does not find there to be any hardships for the proposal.*

G.1. PERSIMMON PHASE 1 (Amenity Center Sign) SIGN REGULATION VARIANCE

Staff Analysis:

8. **The relief is sought is not primarily for financial reasons.**
   - *The proposed signage is primarily for wayfinding purposes and directing users within the Persimmon community to the amenities provided.*
9. **Granting of the variance will be in harmony with the spirit and purpose of the sign regulations.**
   - *Staff finds that granting the Sign Variance would generally not be in harmony with the spirit and purpose of the UDC's sign regulations. Granting of the sign regulation variance would likely not be harmonious since the UDC does not intend to allow single-tenant monument signs at this width, area, or setback.*

G.1. PERSIMMON PHASE 1 (Amenity Center Sign) SIGN REGULATION VARIANCE

Alternatives:

- *In reviewing a Sign Variance Request, the Planning and Zoning Commission may:*
  - *Approve the request as presented by staff;*
  - *Approve with conditions;*
  - *Deny the request; or*
  - *Table the request for future consideration.*

Staff Recommendation:

- *City staff have reviewed the request for the Sign Variance and submitted it for consideration to the Planning and Zoning Commission.*

Agenda Item Report

Legislative Board:	Planning and Zoning Commission
Date:	October 27, 2026
Contact:	Nathan Pino
Agenda Item ID / Number:	2026-833 / G.2

ITEM TITLE: Hold a public hearing, consideration, and possible action on a request by Everbrite, on behalf of Sahir Ali, for a sign regulation variance request from UDC § 4.02.06B.1.a, to allow for a Changeable Electronic Variable Message (CEVM) sign in the Form District 4 (F4) and that is not within a 300-foot distance of I-35. The sign is to be located on the property known as Santa Cruz Subdivision Lot A, 0.77 acres; City of Buda, Hays County, Texas. Addressed as 204 FM 2001 (V 26-07) (Planner Nate Pino)

1. EXECUTIVE SUMMARY

This is a public hearing and action item regarding a Sign Regulation Variance request to allow for a Changeable Electronic Variable Message (CEVM) monument sign to be constructed for business located in the Form District 4 (F4). The property is located 204 Farm to Market Road 2001.

According to UDC Subsection 4.02.06B.1.a, “Changeable Electronic Variable Message Signs are permitted only in the Interstate-35 Business (B-3) District and within 300 feet of I-35 by right.” The applicant is requesting a variance to allow for a Changeable Electronic Variable Message (CEVM) sign to be placed in the Form District 4 (F4) and approximately a 600-foot distance from I-35. The proposed CEVM monument sign would be constructed to the south-eastern portion of the property. UDC Subsection 4.02.06C has provisions allowing for CEVM signs in alternative areas, stating that “a request to permit an Changeable Electronic Variable Message Sign in areas not within the Interstate-35 Business (B-3) District or within 300 feet of I-35, that meet all of the other requirements may be approved by the Planning and Zoning Commission based on the criteria. The applicant has stated practical limitations of the business not having a CEVM, including; fluctuating fuel prices, operational disruptions, changes in weather that make it difficult to constantly change signage and competing businesses allowed CEVMs. However, applicant did not respond to the specific sign variance criteria.

2. BACKGROUND/HISTORY

The purpose of the City's sign regulations is to establish a clear set of standards related to the placement and specifications of commercial signage within the City's jurisdictional area. They balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising.

The property was annexed in August of 2010, where an existing pole sign with gas prices was designated as legal, non-compliant. The applicant had previously submitted an approved sign permit (2023-250) that included a refacing of existing diamond shaped canopy sign, refacing of an existing arrow canopy sign, and refacing of the aforementioned pole sign with no structural changes. The pole sign was later heavily damaged due to a significant weathering that led to the sign being removed altogether from the property.

3. ANALYSIS

Variance Request	UDC Section	Means	Requirement	Applicant Proposal
1	4.02.06B.1.a	Location	CEVM signs are allowed exclusively in B-3 zoned districts within 300 feet of I-35.	Allow for a CEVM sign in the Form District 4 (F-4) and approximately 600-foot distance from I-35.

Sign Variance Criteria:

1. **There are special or unique circumstances or conditions arising from the physical surroundings, shape, topography, or other feature affecting the property on which the sign is to be located;**
    - There are no special or unique circumstances or conditions arising from the physical surroundings, shape, topography, or other features affecting the property.
2. **The circumstances causing the hardship similarly affect all or most properties in the vicinity of or similarly classified as the applicant's property;**
    - Staff does not find there to be any hardships that are necessitating this proposal.
3. **The proposed sign location, configuration, design, materials, colors, and supporting structure are harmonious with the surrounding structures;**
    - Staff finds that the proposed sign configuration, material, colors, and supporting structure are generally harmonious with the surrounding structures, though CEVM signage is not permitted in this location per the UDC. However, it should be noted that other gas stations not within the B-3 District or within a 350 foot distance from I-35, have been allowed as CEVM, whether they existed prior to current code or annexation, or through variance or Development Agreement approval processes.
4. **The variance request includes mitigation measures related to the sign in question or other signs on the same premises;**
    - The applicant has not proposed mitigation measures relevant to the sign or other signs on the premises. However, the applicant is requested a 8 foot tall monument sign where a 12 foot monument sign could be placed.
5. **The request is the minimum amount necessary to meet the needs of the applicant and satisfy the standards of the sign regulations;**
    - Staff finds that the sign request meets the minimum amount necessary to satisfy both the applicant and sign regulations. In accordance with UDC Subsection 4.02.06B.2.a, the hard maximum electronic message area is 12 square feet. The applicant has presented the signage with a total area of 10 square feet. Additionally, the applicant has indicated the use of an automatic dimmer for the signage, appropriate setbacks, and signage dimensions, reflecting compliance for both CEVM and Monument Sign limitations.
6. **The relief sought alters the character of, or impairs the use of adjacent properties;**
    - Staff interprets that the relief will not alter or impair the use of adjacent properties. In accordance with UDC Subsection 4.02.06B.1.d, the CEVM sign exceeds the required 350 feet from the nearest residentially zoned property. Additionally, the CEVM will not be within 750 feet of a Historic Landmark or within the Historic Overlay (O-H) District.
7. **The hardship suffered by the applicant is caused wholly or in substantial part by the applicant;**
    - Staff does not find there to be any hardships that are necessitating this proposal.
8. **The relief sought is not primarily for financial reasons;**
    - Staff does not find relief sought for financial reasons.
9. **Granting of the Sign Variance will be in harmony with the spirit and purpose of the sign**

regulations;

- Staff finds that granting the Sign Variance could generally be considered in harmony with the spirit and purpose of the UDC sign regulations. Though the designated zoning is not B-3 and rather, Form District 4, the signage aligns with other considerations outlined within UDC Subsections 4.02.06B.1 and 4.02.06B.2 (see below).The proposed CEVM does not interfere with residential zoning designations within 350 feet of the property. Additionally, the proposed sign does not exceed the UDC's hard maximum of 12 square feet for the variable message area and comes in at approximately 10 square feet (when calculating the CEVM as four times). The applicant has indicated that an auto dimmer will be installed with the signage to not exceed a daytime NITs limit of 5000 and a nighttime NITs limit of 500.

UDC Subsection 4.02.06C Changeable Electronic Variable Sign Message:

1. **The potential for interference with the enjoyment of the use of surrounding properties and compatibility with land uses;**
   - the surrounding properties include Automobile or Other Motorized Vehicle Sales, Bank or Financial Institution, Hospital (Acute Care), Fire Services Station and Commercial Use. The proposed signage exceeds the required 350-foot distance from the nearest residential property and is not within 750 feet of a Historic Landmark or the Historic Overlay District (O-H).
2. **The zoning district and the adjoining zoning districts of the property for which the Changeable Electronic Variable Message Sign is sought;**
   1. The adjacent properties are within city limits, located west and zoned B-3. Of those B-3 properties, those properties would be allowed to have CEVMs within 300 feet of I-35.
3. **Whether the request is harmonious with the public interest**;
   - Staff does not see a correlation between the requests being harmonious with the public interest.
4. **Consistency with the purposes of this Code**;
   - Other than the proposed variance, signage aligns with the requirements outlined in UDC Subsection 4.02.06CB.2,
     - Hard maximum of 12 square feet,
     - For purposes of calculating area of a monument sign,
     - Changeable Electronic Variable Message Sign counts four times,
     - Constructed such that the sign does not face, shine, or reflect light in any manner or angle into a property with any residential zoning designation or use,
     - Maximum daytime NITs of 5,000; maximum nighttime NITs of 500,
     - Provide a minimum display time for each static image of at least six (6) seconds,
     - No display of a solid white background,
     - A static display with no animation, virtual movement, flashing or multimedia/video,
     - No special effect transitions between each static display.

4. FINANCIAL IMPACT

Consideration of this item has no financial impact.

5. STRATEGIC PLAN/GOALS

BALANCED AND INTENTIONAL GROWTH

6. STRATEGIC PLAN OBJECTIVES

Retain and grow local businesses in Buda.

7. PROS AND CONS

Pros: The applicant would be able to proceed with their desired signage.

Cons: Staff does not find that the proposed signage will have any negative impacts, so long as lighting regulations are ensured.

8. ALTERNATIVES

The Planning and Zoning Commission may make a motion to:

- Approve as presented.
- Approve with conditions.
- Deny
- Table for future consideration.

9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION

Staff has reviewed the request for the Sign Variance to UDC Section 4.02.06B.1.a, and submits it to the Planning and Zoning Commission for consideration.

Attachments:

V 26-07-letter.pdf
Everbrite LumiDigit_EMC Illuminance Letter.pdf
Distance_I-35.png
Dimensions.png
Location.png
G2-10.27P&Z.pdf

07/27/2026

City of Buda, Building Department,

This is regarding the sign permit (project number 2026-614) submitted to have our Gas price sign digital. Please consider the below reasons for asking for this Variance,

204 Farms to Market 2100 Rd.

Buda, TX 78610

This request arises from the practical limitations associated with manually changing fuel prices, a challenge experienced by many fuel service stations that rely on traditional price displays. Fuel prices are subject to frequent adjustments, requiring employees to physically update the sign regardless of weather conditions or operational demands. This process diverts staff from customer service responsibilities, creates unnecessary safety concerns associated with working outdoors during extreme heat, rain, or other inclement weather, and can delay the timely display of accurate fuel prices. The requested variance would permit the use of a digital price display, allowing prices to be updated safely, efficiently, and accurately while minimizing operational disruptions. This modernization enhances employee safety, improves customer service, and ensures the public receives current fuel pricing information without altering the overall function or purpose of the existing sign.

These operational challenges are not unique to this property but are commonly experienced by fuel service stations that must update fuel prices in response to changing market conditions.

Thank you,

Sahir Ali

Sahir Ali

Store Owner

Date: March 25th, 2020

Re: LumiDigit Price and EMC Sign Illumination

To Whom It May Concern:

In compliance with the various sign regulations adopted throughout the United States, the following information pertains to **Everbrite LumiDigit Electronic Gas Price Changers and EMC Signs**:

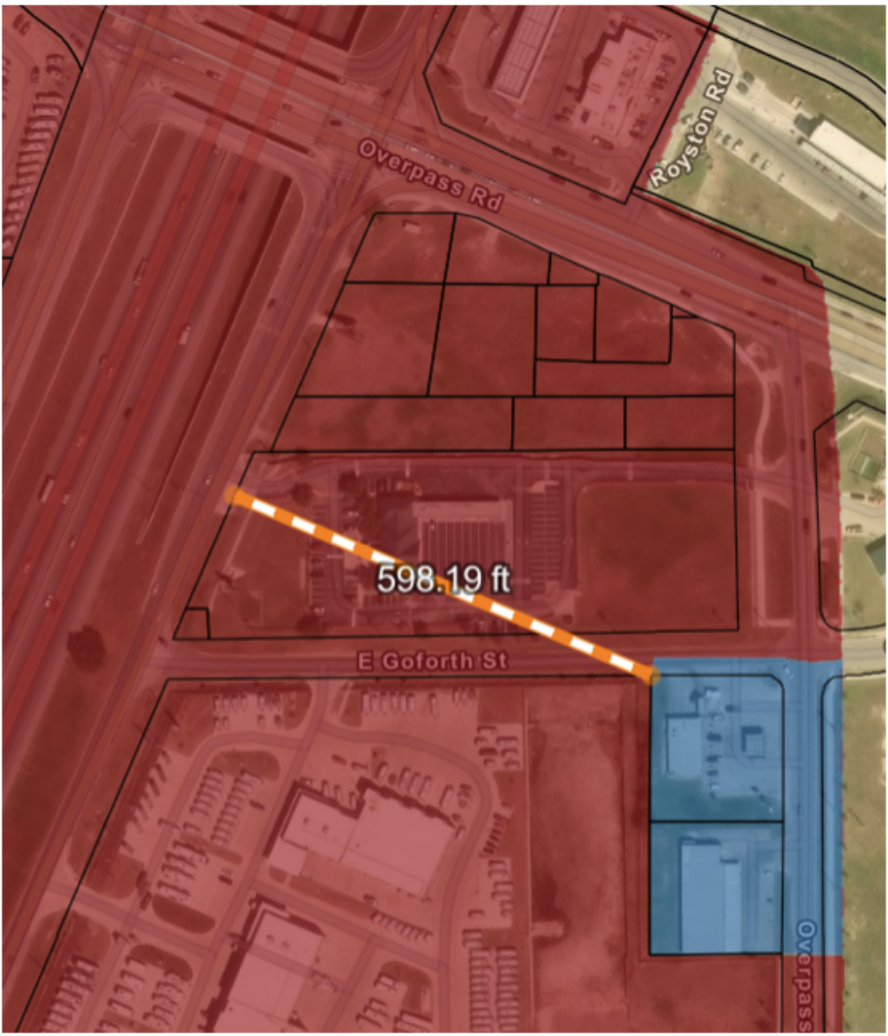
All LumiDigit gas price and EMC signs are equipped with light sensors that automatically adjust the LED digit light intensity of the sign in direct correlation with ambient light conditions and are factory configured not to exceed 0.3 foot-candles above ambient light levels.

The luminance of Everbrite's LED signs is between 3000 to 4000 nits (280 to 372 foot-candles) during the brightest time of the day and between 300 to 400 nits (28 to 37 foot-candles) at night depending on the size of the digit or panel configuration.

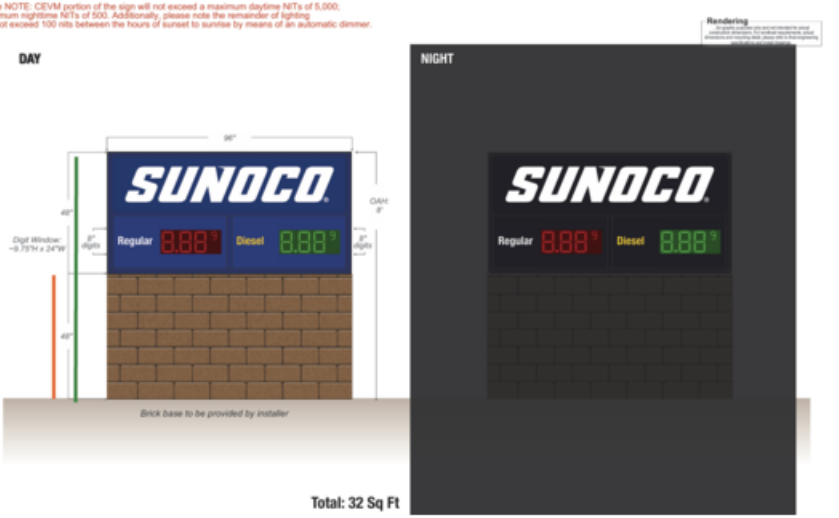
The daytime brightness setting is at its highest level and can only be adjusted to a lower setting. The nighttime brightness setting is preset at the factory and is password protected to prevent changes from end-user manipulation.

Sincerely,

Mark Erickson
Product Development Manager
608-429-1670
merickson@everbrite.com


Overpass Rd
Royston Rd
598.19 ft
E Goforth St
Overpass

Plese NOTE: CEVM portion of the sign will not exceed a maximum daytime NITs of 5,000; maximum nighttime NITs of 500. Additionally, please note the remainder of lighting will not exceed 100 nits between the hours of sunset to sunrise by means of an automatic dimmer.




E Goforth St
184'
Old Goforth Rd
5052
45'
194'
194'
La Villa Mexican Food
Mexican
75'
Sunoco
29'
22'
2001
22'
A
189'
25'

REGULAR AGENDA

G.2. Hold a public hearing, consideration, and possible action on a request by Everbite, on behalf of Sahir Ali, for a sign regulation variance from UDC Subsection 4.02.06B.1.a to allow for a Changeable Electronic Variable Message (CEVM) sign in the Form District 4 (F4) and not within a 300 foot distance of I-35. The sign is to be located on the property known as Santa Cruz Subdivision Lot A, 0.77 Acres; Addressed as 204 Farm to Market 2001 Rd, Buda, TX 78610. (V 26-07) (Nathan Pino, Planner 1)

G.2. CEVM (Gas Pricer) SIGN REGULATION VARIANCE

Project Background:

- *The property is located at 201 Farm to Market 2001 Rd and was annexed in August of 2010, where an existing pole sign with gas prices was designated as legal, non-conforming.*
- *The applicant had previously submitted an approved sign permit (2023-250) that included a refacing of the existing diamond shaped canopy sign, refacing of an existing arrow canopy sign, and refacing of the above pole sign with no structural changes. The pole sign was later heavily damaged due to a significant weathering that led to the sign being removed altogether from the property.*

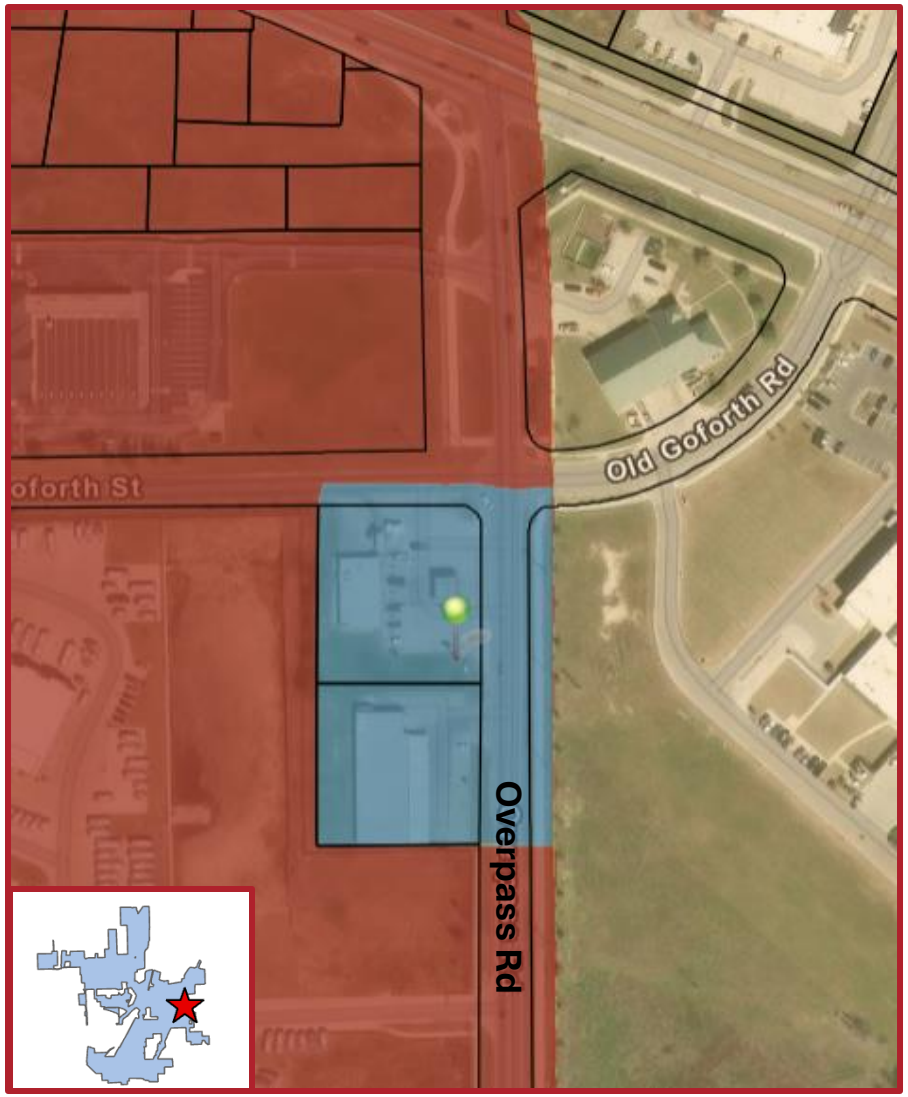
G.2. CEVM (Gas Pricer)
SIGN REGULATION VARIANCE

Summary:

- *The applicant is requesting a sign regulation variance for the proposed monument sign. The signage is to be located in the south-eastern portion of the property.*

- *Proposed signage requires approximately 4'x8' single-tenant sign with roughly 32 square feet of signage area and 10 square feet of electronic message*

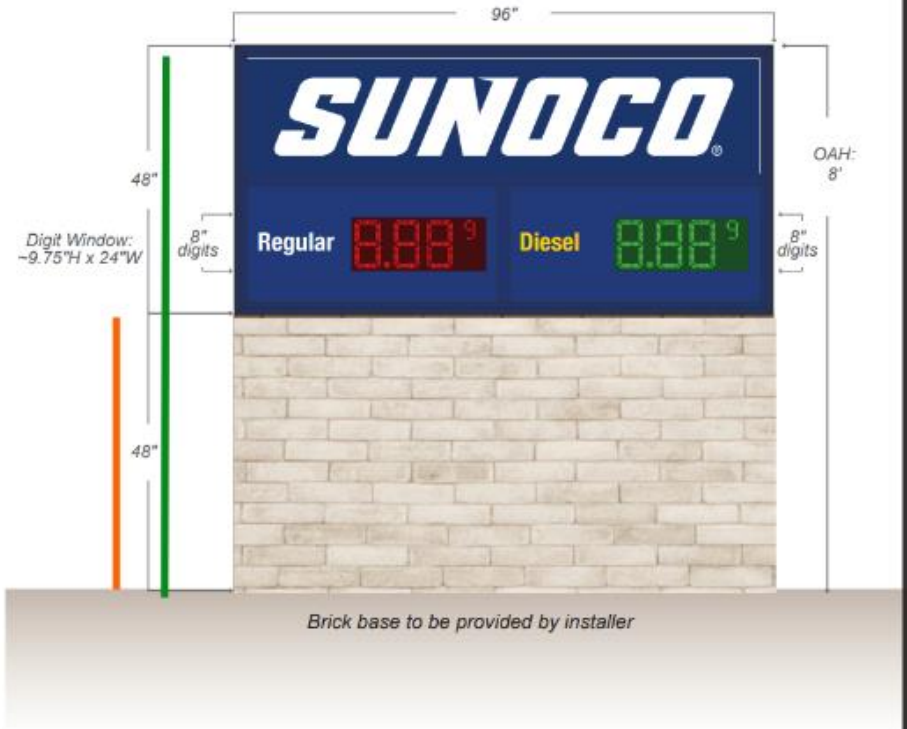
- *This proposal requires a variance to the following section:*
  - *UDC § 4.02.06B.1.a*



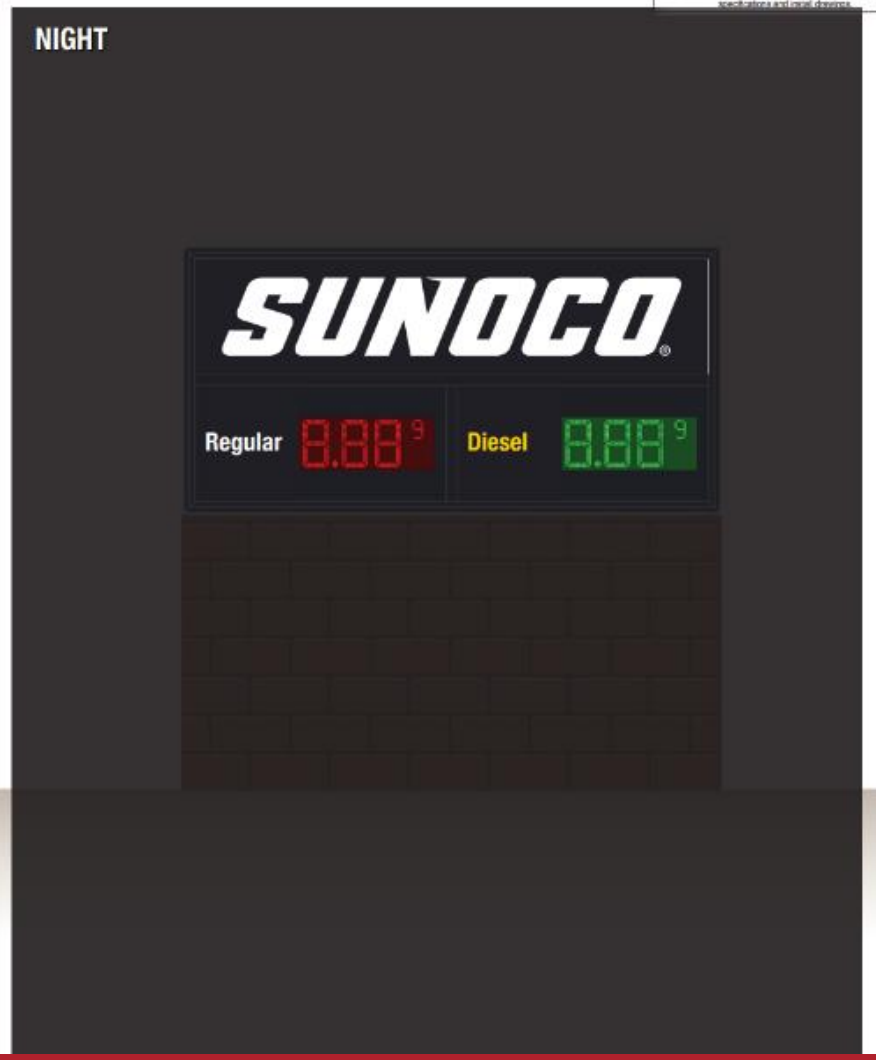
Plese NOTE: CEVM portion of the sign will not exceed a maximum daytime NITs of 5,000; maximum nighttime NITs of 500. Additionally, please note the remainder of lighting will not exceed 100 nits between the hours of sunset to sunrise by means of an automatic dimmer.

Rendering
for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to final engineering specifications and panel drawings.

DAY



NIGHT



Total: 32 Sq Ft

Before Scope of Work



After Scope of Work



96” From grade to top

48” From grade to bottom

G.2 CEVM (Gas Pricer)

Variance Request	UDC Section	Means	Requirement	Applicant Proposal
1	4.02.06B.1.a	Location	CEVM signs are allowed exclusively in B-3 zoned district within 300 feet of I-35.	Allow for a CEVM (gas pricer) sign in the Form-District 4 (F-4) that is approximately 600 feet within I-35.


B-3
F-4
598.19 ft
E Goforth St
Old Goforth Rd
Overpass Rd
219
35

G.2. CEVM (Gas Pricer) SIGN REGULATION VARIANCE

Evaluation Criteria for a Sign Regulation Variance:

1. *There are special or unique circumstances or conditions arising from the physical surroundings, shape, topography, or other feature affecting the property on which the sign is to be located.*
2. *The circumstances causing the hardship similarly affect all or most properties in the vicinity of or similarly classified as the applicant's property.*
3. *The proposed sign location, configuration, design, materials, colors, and supporting structure are harmonious with the surrounding structures.*
4. *The variance request includes mitigation measures related to the sign in question or other signs on the same premises.*
5. *The request is the minimum amount necessary to meet the needs of the applicant and satisfy the standards of the sign regulations.*
6. *The relief sought alters the character of, or impairs the use of, adjacent properties.*
7. *The hardship suffered by the applicant is caused wholly or in substantial part by the applicant.*
8. *The relief sought is not primarily for financial reasons.*
9. *Granting of the variance will be in harmony with the spirit and purpose of the sign regulations.*

G.2. CEVM (Gas Pricer) SIGN REGULATION VARIANCE

Staff Analysis:

1. **There are special or unique circumstances or conditions arising from the physical surroundings, shape, topography, or other feature affecting the property on which the sign is to be located;**
   - There are no special or unique circumstances or conditions arising from the physical surroundings, shape, topography, or other features affecting the property.

2. **The circumstances causing the hardship similarly affect all or most properties in the vicinity of or similarly classified as the applicant's property.**
   - Staff does not find there to be any hardships that are necessitating this proposal.

G.2. CEVM (Gas Pricer) SIGN REGULATION VARIANCE

Staff Analysis:

3. **The proposed sign location, configuration, design, materials, colors, and supporting structure are harmonious with the surrounding structures.**
   - *Staff finds that the proposed sign configuration, material, colors, and supporting structure are generally harmonious with the surrounding structures, though CEVM signage is not permitted in this location per the UDC. However, it should be noted that other gas stations not within the B-3 District or within a 350-foot distance from I-35 have been allowed as CEVM, whether they existed prior to the current code or annexation, or through variance or Development Agreement approval processes.*
4. **The variance request includes mitigation measures related to the sign in question or other signs on the same premises.**
   - *The applicant has not proposed mitigation measures relevant to the sign or other signs on the premises. However, the applicant has requested an 8-foot-tall monument sign where a 12-foot monument sign could be placed.*

G.2. CEVM (Gas Pricer) SIGN REGULATION VARIANCE

Staff Analysis:

5. **The request is the minimum amount necessary to meet the needs of the applicant and satisfy the standards of the sign regulations;**
   - *Staff finds that the sign request meets the minimum amount necessary to satisfy both the applicant and sign regulations. In accordance with UDC Subsection 4.02.06B.2.a, the hard maximum electronic message area is 12 square feet. The applicant has presented the signage with a total area of 10 square feet. Additionally, the applicant has indicated the use of an automatic dimmer for the signage, appropriate setbacks, and signage dimensions, reflecting compliance for both CEVM and Monument Sign limitations.*

G.2. CEVM (Gas Pricer) SIGN REGULATION VARIANCE

Staff Analysis:

6. **The relief sought alters the character of, or impairs the use of, adjacent properties.**
   - *Staff interprets that the relief will not alter or impair the use of adjacent properties. In accordance with UDC Subsection 4.02.06B.1.d, the CEVM sign exceeds the required 350 feet from the nearest residentially zoned property. Additionally, the CEVM will not be within 750 feet of a Historic Landmark or within the Historic Overlay (O-H) District.*

7. **The hardship suffered by the applicant is caused wholly or in substantial part by the applicant.**
   - *Staff does not find there to be any hardships that are necessitating this proposal.*

8. **The relief is sought is not primarily for financial reasons.**
   - Staff does not find relief sought for financial reasons.

G.2. CEVM (Gas Pricer) SIGN REGULATION VARIANCE

Staff Analysis:

9. Granting of the variance will be in harmony with the spirit and purpose of the sign regulations;

- *Staff finds that granting the Sign Variance could generally be considered in harmony with the spirit and purpose of the UDC sign regulations. Though the designated zoning is not B-3 and rather, Form District 4, the signage aligns with other considerations outlined within UDC Subsections 4.02.06B.1 and 4.02.06B.2;*

G.2. CEVM (Gas Pricer) SIGN REGULATION VARIANCE

CEVM Criteria:

1. **The potential for interference with the enjoyment of the use of surrounding properties and compatibility with land uses;**
   - *The surrounding properties include Automobile or Other Motorized Vehicle Sales, Bank or Financial Institution, Hospital (Acute Care), Fire Services Station, and Commercial Use. The proposed signage exceeds the required 350-foot distance from the nearest residential property and is not within 750 feet of a Historic Landmark or the Historic Overlay District (O-H).*

2. **The zoning district and the adjoining zoning districts of the property for which the Changeable Electronic Variable Message Sign is sought;**
   - *The adjacent properties are within city limits, located west, and zoned B-3. Of those B-3 properties, those properties would be allowed to have CEVMs within 300 feet of I-35.*

G.2. CEVM (Gas Pricer) SIGN REGULATION VARIANCE

CEVM Criteria:

3. Whether the request is harmonious with the public interest;

- *The applicant has stated that this sign is designed to fit the character of the community.*

4. Consistency with the purposes of this Code;

- *Other than the proposed signage aligns with the requirements outlined in UDC Subsection 4.02.06CB.2:*
  - *Hard maximum of 12 square feet;*
  - *For purposes of calculating the area of a monument sign, the Changeable Electronic Variable Message Sign counts four times;*
  - *Constructed such that the sign does not face, shine, or reflect light in any manner or angle into a property with any residential zoning designation or use;*
  - *Maximum daytime NITs of 5,000; maximum nighttime NITs of 500;*
  - *Provide a minimum display time for each static image of at least six (6) seconds.*
  - *No display of a solid white background;*
  - *A static display with no animation, virtual movement, flashing, or multimedia/video;*
  - *No special effect transitions between each static display.*

G.2. CEVM (Gas Pricer) SIGN REGULATION VARIANCE

Alternatives:

- *In reviewing a Sign Variance request, the Planning and Zoning Commission may:*
  - *Approve the request as presented by staff;*
  - *Approve with conditions;*
  - *Deny the request; or*
  - *Table the request for future consideration.*

Staff Recommendation:

- *City staff have reviewed the request for the Sign Variance and submits for consideration to the Planning and Zoning Commission.*