



NOTICE IS HEREBY GIVEN PURSUANT TO V.T.C.A., GOVERNMENT CODE, CHAPTER 551, THAT THE BOARD OF ADJUSTMENT FOR CITY OF ANGLETON WILL CONDUCT A MEETING, OPEN TO THE PUBLIC, ON WEDNESDAY, FEBRUARY 15, 2023, AT 12:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

#### DECLARATION OF A QUORUM AND CALL TO ORDER

1. Discussion and possible action on the Board of Adjustment Meeting Minutes for December 21, 2022.
2. Discussion and possible action on the Election of Officers for the Board of Adjustment for Chairperson and Vice-Chairperson.

#### PUBLIC HEARINGS AND ACTION ITEMS

3. Conduct a public hearing, discussion, and possible action on a request for a variance to the City of Angleton Code of Ordinance, Sec. 21.5-7 (3) a.1.(i): Signs permitted and regulated in commercial and industrial districts, for proposed wall signage exceeding the maximum area as calculated by the allowable total sign area of 1½ square feet of signage for each linear foot of business frontage for property located at 3501 Galaznik Rd., Angleton, TX, Brazoria County, within the I-Industrial Zoning District as filed by Gerald Gussett on behalf of Houston Motorsports.

#### REGULAR AGENDA

#### ADJOURNMENT

#### CERTIFICATION

I, Otis T. Spriggs, ACIP, Development Services Director, do hereby certify that this Notice of a Meeting was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times and to the City's website, [www.angleton.tx.us](http://www.angleton.tx.us), in compliance with Chapter 551, Texas Government Code. The said Notice was posted on the following date and time: Friday, February 10, 2023 by 12:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

/os/spriggs

Otis T. Spriggs, AICP

Development Services Director

*Public participation is solicited without regard to race, color, religion, sex, age, national origin, disability, or family status. In accordance with the Americans with Disabilities Act, persons with disabilities needing*

*special accommodation to participate in this proceeding, or those requiring language assistance (free of charge) should contact the City of Angleton ADA Coordinator, Colleen Martin, no later than seventy-two (72) hours prior to the meeting, at (979) 849-4364 ext. 2132, email: cmartin@angleton.tx.us.*





**CITY OF ANGLETON**  
**BOARD OF ADJUSTMENT AGENDA**  
**120 S. CHENANGO STREET, ANGLETON, TEXAS 77515**  
**WEDNESDAY, DECEMBER 21, 2022 AT 12:00 PM**

NOTICE IS HEREBY GIVEN PURSUANT TO V.T.C.A., GOVERNMENT CODE, CHAPTER 551, THAT THE BOARD OF ADJUSTMENT FOR CITY OF ANGLETON WILL CONDUCT A MEETING, OPEN TO THE PUBLIC, ON WEDNESDAY, DECEMBER 21, 2022, AT 12:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

#### DECLARATION OF A QUORUM AND CALL TO ORDER

Present: Ms. Danielle Graham, Ms. Belinda Gains, Ms. Janie Schwartz-Shaw, Blaine Smith, and Mr. Terry Roberts.

Absent: Ms. Ellen Eby.

#### Hold Election of Officers for the Board of Adjustment for Chairperson and Vice-Chairperson.

Motion was made by Board member Terry Roberts; Seconded by Michelle Townsend to postpone the item.

Motion carried unanimously (5-0). Item was tabled.

1. **Discussion and possible action to approve the minutes of the Angleton Board of Adjustment meeting of August 26, 2021.** Mr. Terry Robert asked for a correction regarding changing the date to last year's date. Name changes were recognized. Motion was made by Board member Terry Roberts; Seconded by Janie Schwartz-Shaw to approve the minutes, subject to typographical changes.

Motion Carried Unanimously (5-0). The minutes were approved.

#### PUBLIC HEARINGS AND ACTION ITEMS

2. **Conduct a public hearing, discussion, and possible action on a request for a variance to Sec. 23-15. – Drainage and utilities requirements to allow for the placement of utilities in the front yards of a Manufactured Home Community/ Angleton Park Place Subdivision (Sections 1 & 2, 71 lots)/in accordance with section 23-133, as required by TNMP. The subject property is located on East Philips Road near Gifford Rd.**

#### STAFF:

**DS Director Otis Spriggs** presented the staff report findings noting that this is a manufactured home community, and not a mobile Home Park by nature. The site that was previously rezoned as Manufactured Housing: This is a permitted use on the property in which the owner Mike Morgan is requesting that the board of adjustment would consider

his variance request based on the requirement of the city to place the utility easement in the rear of the property and hopes to place the utilities in the front.

**Mr. Spriggs** noted that the applicant is asking for a variance of the code due to requirements by Texas New Mexico, stating that they will not install those utilities in the rear due to safety issues and due to proximity on the lot and they insist that he places the utilities in the front. This has caused him a hardship for consideration. TNMP is stating that they would not install those in the rear due to the unsafe and accessibility issues, anything within the 100-year floodplain, and on zero lot line and subdivisions with lots less than 50 feet; they will not allow the City standard.

#### **Public Input:**

Motion was made to open the public hearing by Board member Terry Roberts; Seconded by Board member Blaine Smith. Motion carried unanimously to open the public hearing.

**Mr. & Ms. James Gayle**, 2329 Shanks Rd.: Spoke in opposition, mentioning a bigger trailer park that was supposed to come off SH 288. He spoke on the number of police and emergency calls to a nearby trailer park with over 300 units. He spoke on water and utility capacity in the area, as well as detention and drainage problems.

**Mike Morgan**, owner of Angleton Park Place stated that he is building 81 units. Regarding the unrelated concept, he took his earnest money back since the City didn't support the other project. He has owned the Angleton Park Place land for about four years now it was originally approved for a mobile home park, during the previous city manager, but he plans to build a premanufactured home subdivision. He spoke on his difficulties with the Texas New Mexico requirements.

**Miguel Saucedo**, Baker Lawson Engineers appeared and explained the history on the recent City ordinance that restricted the utilities to the rear, which was when Greystone Subdivision was being built, the owner/developer of that subdivision made a request to the city of Angleton to adopt an ordinance to place utilities in the backyard of the subdivision. Mike Morgan started this project prior in 2018. We are just trying to resolve 2 rules, between Texas New Mexico and the City, and that's why we're presenting this variance for the subdivision.

**Robin Crouch**, Baker Lawson explained that City Council intended that anyone with a hardship could come ask for a variance as an option, but not just because of monetary reasons.

**Miguel Saucedo** explained that there are lots that are 40 feet wide that were approved on the Final Plat. He explained that the T.I.A. traffic analysis concluded that no offsite improvements were required. The C.A.F. study also concluded no need for offsite improvements on the utility side.

**Steve Rosa**, 290 E. Phillips appeared in opposition noting issues of safety. Phillips Rd. is a widely used road. He has concerns on infrastructure of that entire area which is unimproved and has no sidewalks for children. He spoke on drainage concerns.

Motion was made to close the public hearing by Board member Janie Schwartz-Shaw; Seconded by Board member Terry Roberts. **Motion carried unanimously to close the public hearing.**

**Board Action:**

Motion was made by Board member Janie Schwartz-Shaw that the criteria of Sec. 28.23. f. has been met and we accept the recommendations of code of ordinance section Sec. 23-15 and grant the variance; motion seconded by Board member Blaine Smith.

**ROLL CALL VOTE:**

Acting Chair Danielle Graham- Aye., Board member Michelle Townsend- Nay; Board member Janie Schwartz-Shaw - Aye., Board member Blaine Smith- Aye; Board member Terry Roberts- Aye. **(4-1 vote).**

4. **Conduct a public hearing, discussion, and possible action on a request for a variance to Sec. 28-101.1. - Parking lot paving requirements to allow for the continued use of an existed compacted gravel lot, for the proposed Shaka Shack, Container Park use. The subject property is located at 509 W. Mulberry St./Hwy. 35, on the S.E. corner of Columbia Street intersection.**

Motion to hear this item first was made by Board member Terry Roberts; Seconded by Board member Michelle Townsend;

Motion Carried Unanimously (5-0).

**STAFF**

**DS Director, Otis Spriggs** presented the case facts stating that this is a proposal for a variance to Sec. 28-101.1. - Parking lot paving requirements, as it relates to the parking lot surfacing on commercial parking lots.

Mr. Spriggs added Shaka Shack is basically a container park and food court idea presented to the city for approval. We have worked on our ordinances as it relates to food truck courts; this is similar in nature but it's not necessarily a food truck court: They are trying to create a park for a family setting that would allow for food and entertainment, areas of play for the children. They hope to retain the existing parking lot surfacing as it exists today. The property has been previous uses, such as the beer garden. The slides show some of the pavement and compacted area on the site. It has grass has growing through most of the compacted chat. The applicant is asking for entertainment and recreational uses for food, which will be a good setting for that segment of the community. Photos were shown of the parking lot and areas of the variance to the code, which has caused a hardship in satisfying the requirements due to certain restraints. Staff has evaluated the criteria as noted in the findings of fact and has determined that an undue hardship is found in this particular case, according to section 28-23 in the zoning code of ordinances. With two conditions on the site, it will ensure that there is some organization of the vehicles, in the gravel area; to provide parking blocks and replace the compacting gravel in chat as needed in areas, as well as establish the parking spot locations and create some organization on

the circulation. The visitors would not be allowed to park within the right of way of Hwy. 35 which is a more busy street, to comply with visibility and clearance standards.

**BOARD ACTION:**

Motion was made to open the public hearing by Board member Terry Roberts; Seconded by Blaine Smith. Motion carried unanimously to open the public hearing.

**Public Input: None.**

Motion was made to close the public hearing by Board member Janie Schwartz-Shaw; Seconded by Terry Roberts. Motion carried unanimously to open the public hearing.

Motion was made by Board member Terry Roberts, seconded by Board member Blaine Smith to accept staff recommendations of code of ordinance section 28.223 and grant the variance.

**ROLL CALL VOTE:**

Acting Chair Danielle Graham- Aye., Board member Michelle Townsend- Aye; Board member Janie Schwartz-Shaw - Aye., Board member Blaine Smith- Aye; Board member Terry Roberts- Aye. (5-0 vote).

CITY OF ANGLETON, TEXAS

\_\_\_\_\_  
Acting Chair, Danielle Graham

ATTEST:

\_\_\_\_\_  
Otis T. Spriggs, AICP, Development Services Department Director

**ADJOURNMENT: 12:48**





## BOARD OF ADJUSTMENTS (BOA)

**Number of Commission Members:** 5, 1 Alternate    **Term of Office:** 2 years  
**Established by:** Angleton Ordinance No. 2009-O-4A  
**Appointed by:** Mayor and City Council  
**Regular Meetings held on:** Third Wednesday of each month (as needed), 12:00 p.m.  
**Location:** City of Angleton City Hall Council Chambers  
**Compensation:** None  
**City Staff Support:** City Manager Designee  
**Qualifications:** Registered Voters and Residents of the City of Angleton

### Powers and Duties:

The board of adjustments shall consist of five regular members, who shall be appointed by a simple majority vote of the full city council, and shall operate in accordance with V.T.C.A., Local Government Code §§ 211.008–211.011, as amended. (2) The city council shall provide for the appointment of up to four alternate members to serve in the absence of one or more of the regular board members on an alternating basis such that all alternate members have equal opportunities to serve on the board.

The BOA powers include but not limited to hearing and determining appeals from refusal of building permits, and to permit an exception to or variations from the city zoning regulations.

The board of adjustment shall elect a chairperson and a vice-chairperson from among its membership, and each officer shall hold office for two years or until replaced by a simple majority vote of the full board.

See Code of Ordinances for complete powers and duties:

[https://library.municode.com/tx/angleton/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH28\\_ZO\\_ARTIIZOPRAD\\_S28-23BOADBO](https://library.municode.com/tx/angleton/codes/code_of_ordinances?nodeId=PTIICOOR_CH28_ZO_ARTIIZOPRAD_S28-23BOADBO)

The board of adjustments and appeals, created and appointed pursuant to the home rule Charter, section 7.04, zoning board of adjustment, and to the zoning ordinance, shall act and perform all duties and responsibilities of the housing board of adjustments and appeals.

Place 1	Janie Schwartz-Shaw, 708 Cannan Drive	979-292-9014 <a href="mailto:jschwartz-shaw@tdecu.org">jschwartz-shaw@tdecu.org</a>	2023
Place 2	Danielle Graham 14 Lobo Ct.	979-849-9595 <a href="mailto:cpj1@sbcglobal.net">cpj1@sbcglobal.net</a>	2024
Place 3	Blaine Smith	281-515-6056 <a href="mailto:Bms77515@gmail.com">Bms77515@gmail.com</a>	2023
Place 4	Ellen Eby 4 Hickory Place	979-215-3091 <a href="mailto:elleneby@att.net">elleneby@att.net</a>	2024
Place 5	Michelle Townsend	832-414-8348 <a href="mailto:ellehcim@alumni.rice.edu">ellehcim@alumni.rice.edu</a> <a href="mailto:michelletownsendlaw@gmail.com">michelletownsendlaw@gmail.com</a>	2024
Alternate 1	Terry Roberts 6 Elm Place	979-864-7639 <a href="mailto:Terryr7639@gmail.com">Terryr7639@gmail.com</a>	2023

Alternate 2			
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- a. **That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his/her land;**
- b. *The structure, as it is currently situated, is on a remote road which lends to no major visibility to SH 288.*

**That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.**

*The applicant has expressed a dynamic marketing and regional market capturing strategy to serve the coastal region of the surrounding Houston/Galveston markets.*

- c. **That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;**  
*The granting of the variance should not be detrimental to the public health, safety or welfare of surrounding properties which are commercial uses.*
- d. **That the granting of the variance will not have the effect of preventing the orderly use of the other land within the area in accordance with the provisions of this chapter; and**  
*Staff finds no reason why this variance would prevent the orderly use of other land within the area.*
- e. **That a finding of undue hardship exists.**  
An undue hardship exists pursuant to Section 28-23(f)(3).

Pursuant to Section 28-23(f)(3): In order to grant a variance, the board of adjustment must make written findings that an undue hardship exists using the following criteria:

- a. **That literal enforcement of the controls will create an unnecessary hardship in the development of the affected property;**  
*The structure, as it is currently situated, is on a remote road which lends to no major visibility to SH 288.*
- b. **That the situation causing the hardship or difficulty is neither financial in nature, self-imposed nor generally affecting all or most properties in same zoning district;**  
*The structure, as it is currently situated, is on a remote road which lends to no major visibility to SH 288.*
- c. **That the relief sought will not injure the permitted use of adjacent conforming property; and**  
*The relief sought will not injure the permitted use of adjacent conforming property.*
- d. **That the granting of a variance will be in harmony with the spirit and purpose of these regulations.**  
*Granting of a variance will be in harmony with the spirit and purpose of these regulations.*

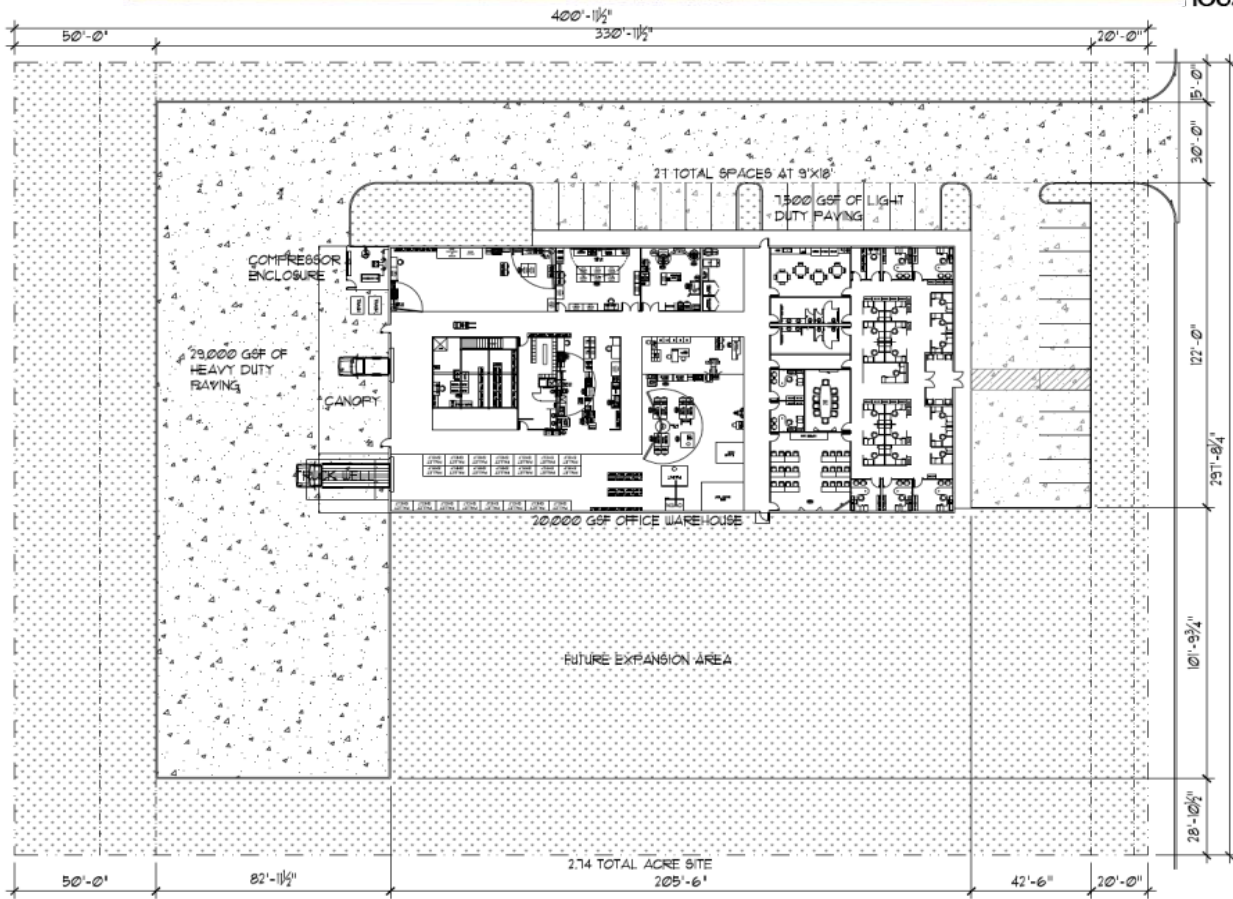
Pursuant to Section 28-23(f)(4); A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this chapter to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

# Aerial View

Item 3.



HOUSTON, TX



1 ARCHITECTURAL SITE PLAN  
SCALE: 1" = 20'-0"



2 CONCRETE TILTWALL CONCEPTUAL ELEVATION  
SCALE: 3/32" = 1'-0"

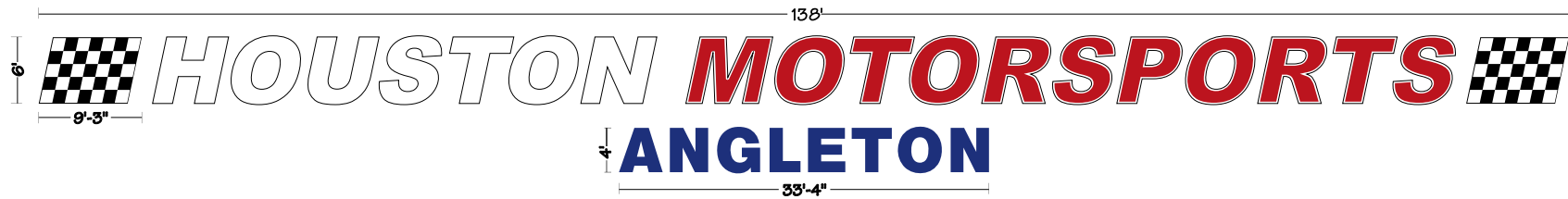


View looking Southeast at Front

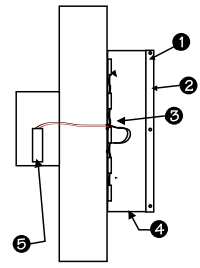


West/Front Elevation

**Staff Recommendation:** Staff recommends that the Board consider granting a variance of the maximum square footage required by Code of Ordinance, Sec. 21.5-7 (3) a.1.(i).



828 S.F. + 132.33 S.F. =960.33 S.F.



- 1 trim cap retainer
- 2 3/16" acrylic face
- 3 LED lighting
- 4 Channel letter body
- 5 Remote mounted power supply



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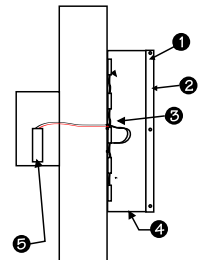
SCALE: 1/16" = 1'  
 DATE: 1/30/23

APPROVED BY:





68'-6"  
3' **HOUSTON MOTORSPORTS**



- 1 trim cap retainer
- 2 3/16" acrylic face
- 3 LED lighting
- 4 Channel letter body
- 5 Remote mounted power supply

205.5 S.F.



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**OPTION A**

SCALE: 1/8" = 1'  
 DATE: 1/30/23

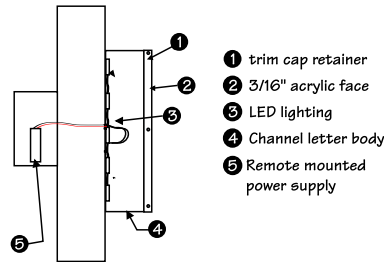
APPROVED BY: \_\_\_\_\_

# HOUSTON MOTORSPORTS



57'-6"  
2'-6" HOUSTON MOTORSPORTS

143.75 S.F.



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## OPTION B

SCALE: 1/8" = 1'

DATE: 1/30/23

APPROVED BY:



**CITY OF ANGLETON  
APPOINTMENT OF AGENT**

As owner of the property described as 3501 Galaznik Rd,  
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Gerald Gussett

Mailing Address: 16811 FM 521 Email: geraldg.coast@gmail.com

City: Rosharon State: Texas Zip: - 77583

Home Phone: (281) 499-9721 Business Phone: (832) 722-5156

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

**be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.**

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, I agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of owner [Signature] Title Managing Member

Printed/Typed Name of owner Deano Merrigan Date 2-1-23

\*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

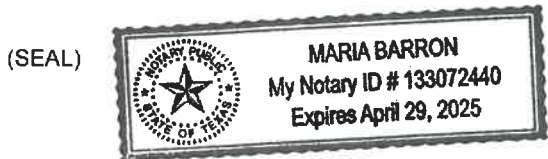
STATE OF TEXAS §  
COUNTY OF Brazoria §

Before me, Maria Barron, on this day personally appeared Deano Merrigan known to me (or proved to me on the oath of \_\_\_\_\_ or through (\_\_\_\_\_) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 1<sup>st</sup> day of February, 2023

[Signature]  
Notary Public Signature

April 29, 2025  
Commission Expires



I understand that in the event that I am not present or represented at the public hearing, the Board shall have the power to dismiss the proposal either at the call of the case or after the hearing, and that such dismissal shall constitute denial.

I reserve the right to withdraw this proposal at any time upon written request filed with the City Secretary's office, and such withdraw shall immediately stop all proceedings. I understand the filing fee is not refundable upon withdraw of the proposal after public notice.

I understand that if the request is approved, I must obtain a <sup>sig</sup> building permit from the City before any work is started on the property and that the Board of Adjustment action does not constitute the approval of the building permit.

Applicant's Initials: MB Date: 2/1/2023

Office use only	
Date received: <u>2/1/23</u>	Received by: <u>M. Barron</u>
Fee of \$150.00 received: <u>M. Barron</u>	
Proof of taxes paid: _____	date verified: _____
Appointment of agent form attached if required: _____	
BOA Public Hearing date: _____	
Date to send letters to residents: _____	
Letters Mailed: _____	
Date to publish: _____	Date published: _____

**Request Information:**

Please answer the following questions as completely as possible. Failure to outline fully the situation by answering these questions could cause unnecessary delay in evaluating your appeal. Additional pages may be attached if necessary.

1. Describe the variance you are requesting: Additional sign to south wall,

2. Describe the special or unique condition(s) of your property that exist, such as restricted area, shape, topography or physical features that are peculiar to your property: Adding a second sign to existing building.

3. Do similar property conditions exist in your area? Explain: No.

4. Explain how your need for a variance is unique to those special property-related conditions described above: Adding a second sign to existing building.

5. Are there special conditions affecting your property such that the strict application of the provisions of the Zoning Ordinance would deprive you of the reasonable use of your land? Explain: No special conditions.

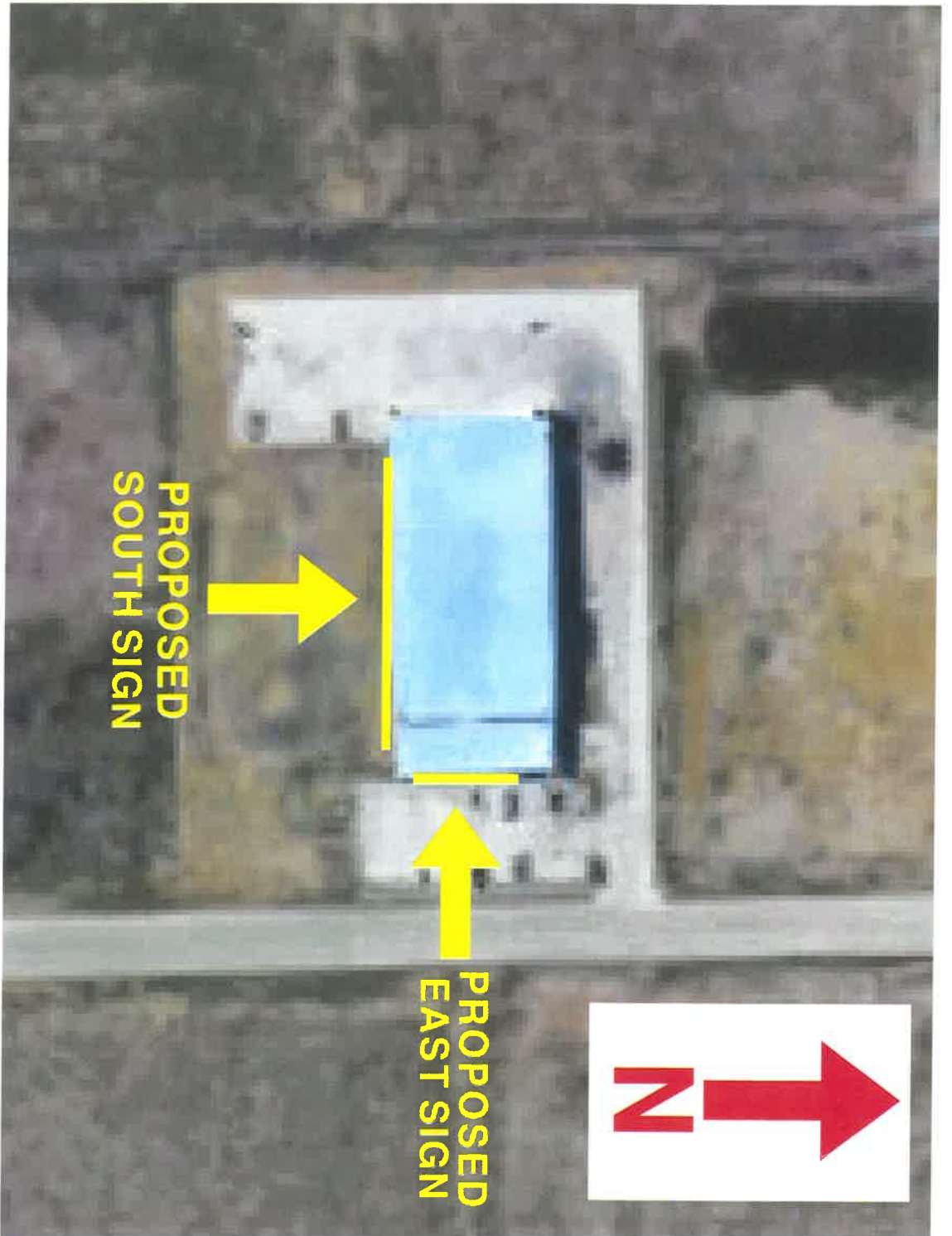
6. Explain why the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area: Nothing detrimental.

7. Describe how strict enforcement of the zoning ordinance creates a hardship that is unique to your property, imposing a hardship above that suffered by the general public: No hardship will be created.

A completed variance application is due 30 days prior to the next Board of Adjustment meeting. Board of Adjustment meetings are held at noon on the third Wednesday of each month. At this meeting, a public hearing will be held. A public hearing notice must be published in the local newspaper (at least 14 days before the meeting) and a notice must be sent to all property owners within 200' of the property where the variance is being requested (the notice must be sent at least 10 days prior to the meeting).

**Acknowledgements**

I certify that the above information is correct and complete to the best of my knowledge and ability and that I am now or will be fully prepared to present the above proposal at the Board of Adjustments hearing.



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SCALE: NTG

DATE: 2/1/23

APPROVED BY:

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**PROJECT  
LOCATION**



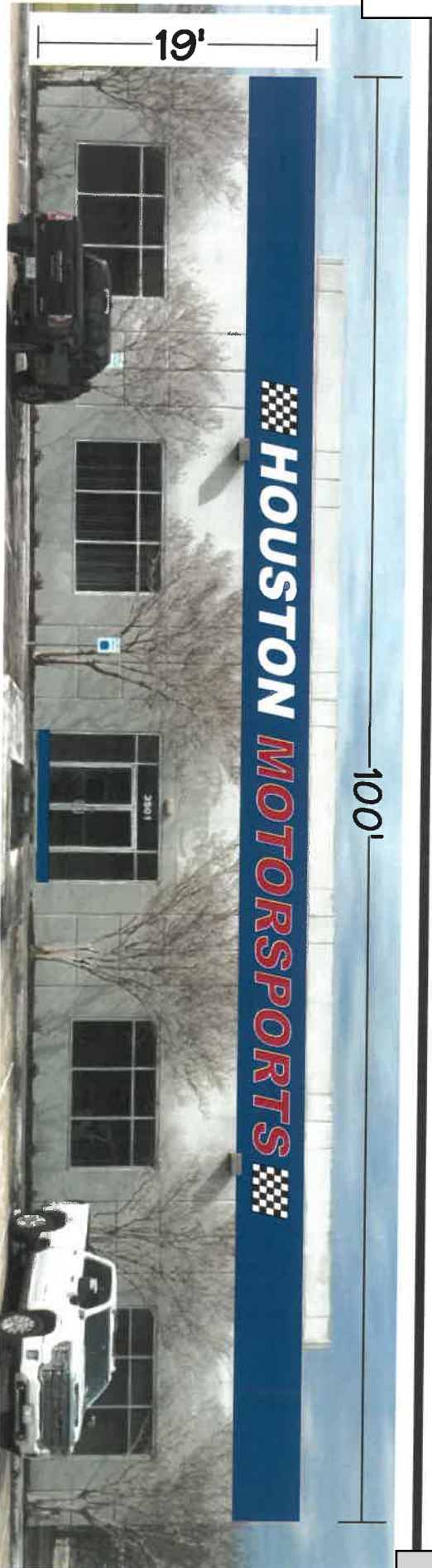
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SCALE: **NTS**  
 DATE: **2/1/23**

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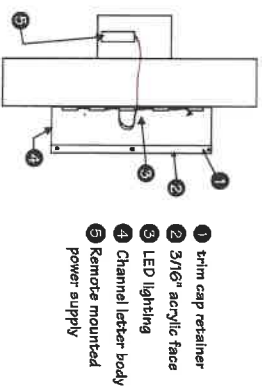
100'

19'

BUILDING ELEVATION = 1900 SQUARE FEET  
SIGNS = 143.75 SQUARE FEET

2'-6" 57'-6" 2'-6"

**HOUSTON MOTORSPORTS**



**IF REQUIRED, ENGINEERING WILL BE PROVIDED TO CITY**



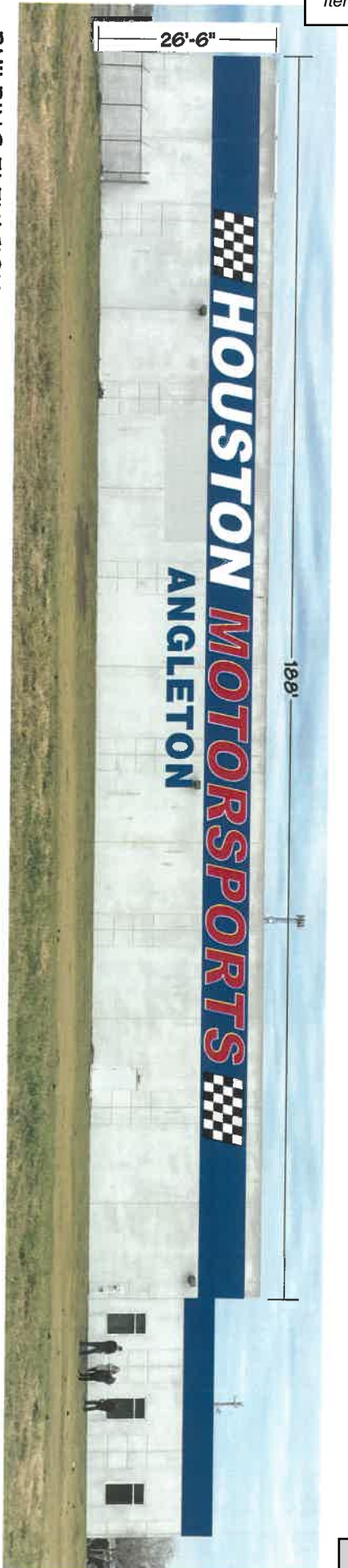
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**OPTION B**

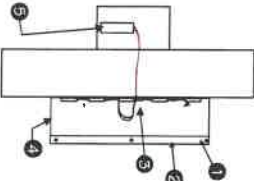
SCALE: 1/8" = 1'  
 DATE: 2/1/23  
 APPROVED BY:

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BUILDING ELEVATION = 4986 SQUARE FEET  
 SIGNS = 985.5 SQUARE FEET



- 1 trim cap retainer
- 2 3/16" acrylic face
- 3 LED lighting
- 4 Channel letter body
- 5 Remote mounted power supply

**IF REQUIRED, ENGINEERING WILL BE PROVIDED TO CITY**



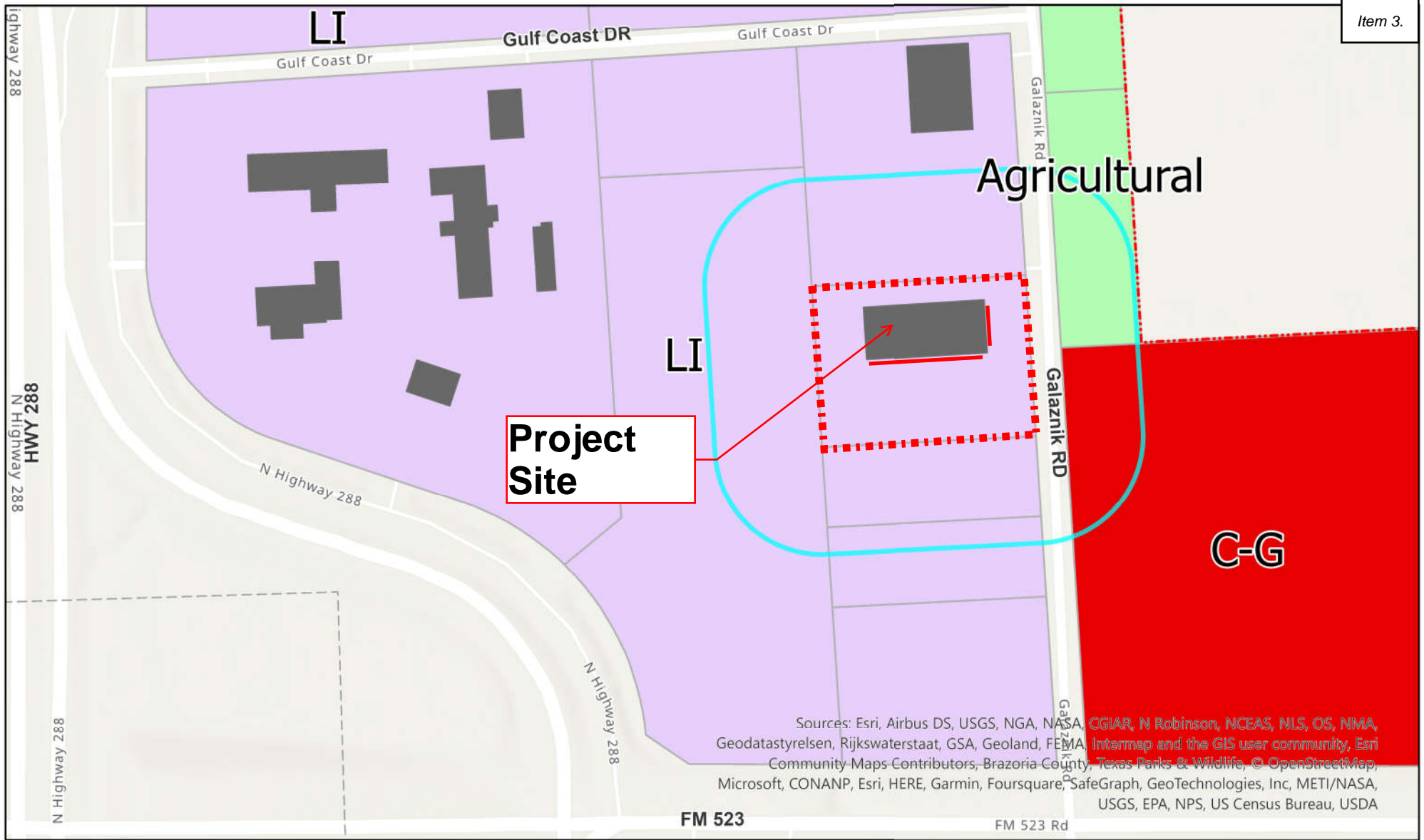
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 DATE: 2/1/23

APPROVED BY:

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# LOCATION MAP: 3501 Galaznik Rd