



City of San Antonio

Legislation Details (With Text)

File #: 17-1126

Type: Zoning Case

In control: Board of Adjustment

On agenda: 1/9/2017

Title: A-17-025: A request by 401 San Pedro LLC for 1) a 6 foot variance from the maximum 24 foot pole sign height to allow a 30 foot tall sign and 2) a 10 foot variance from the minimum 10 foot setback to allow a sign on the front property line, located at 401 San Pedro Avenue. Staff recommends Denial with Alternate Recommendation. (Council District 1)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-17-025 Photos, 2. A-17-025 PP, 3. A-17-025 site plan, 4. BOA17-025NPA

Date	Ver.	Action By	Action	Result
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Case Number: A-17-025

Applicant: 401 San Pedro, LLC

Owner: 401 San Pedro, LLC

Council District: 1

Location: 401 San Pedro Avenue

Legal Description: Lots 1 and 2, Block 7, NCB 769

Zoning: "C-2P UC-6 AHOD" Commercial Pedestrian San Pedro Avenue Urban Corridor
Airport Hazard Overlay District

Case Manager: Shepard Beamon, Senior Planner

Request

A request for 1) a six foot variance from the maximum 24 foot tall freestanding pole sign height, as described in Section 28-239, to allow a sign 30 feet tall; 2) a 10 foot variance from the minimum 10 foot sign setback to allow a sign on the front property line, per Section 28-241(c)(1)(c).

Executive Summary

The applicant is requesting the proposed signage to advertise a Baskin Robbins/Dunkin' Donuts. The subject property has street frontage along San Pedro Avenue, identified as an Arterial Type B thoroughfare. Per Sections 28-239 and 28-241 of the San Antonio Sign Code, the tallest freestanding sign height permitted for a single-tenant Arterial Type B/Commercial Collector sign is 24 feet and includes a 10 foot minimum setback. The sign's design will consist of two cabinets, the lower of the two being as close as 17 feet from the ground. Should the sign comply with the allowed sign height, the lower sign would be 11 feet from the ground. The applicant has stated that taller sign heights are common along the corridor and the requested height will protect the sign from vandalism. Also, the site layout places restrictions on the location of the sign.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-2P UC-6 AHOD” Commercial Pedestrian San Pedro Avenue Urban Corridor Airport Hazard Overlay District	Baskin Robbins/Dunkin’ Donuts

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2P UC-6 AHOD” Commercial Pedestrian San Pedro Urban Corridor Airport Hazard Overlay District, “C-3NA UC-6 AHOD” General Commercial Non-Alcoholic Sales San Pedro Urban Corridor Airport Hazard Overlay District; “C-3 UC-6 AHOD” General Commercial San Pedro Urban Corridor Airport Hazard Overlay District	Office, Auto Shop, Wendy’s
South	“C-2 P S” Commercial Pedestrian District with Specific Use authorizations to allow a self-service car wash and a self-service drive-thru car wash; “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District; “RM-4 AHOD” Residential Mixed Airport Hazard Overlay District; “NC IDZ AHOD” Neighborhood Commercial Infill Development Zone Airport Hazard Overlay District	Gas Station, Office, Vacant Residential, Quadplex, Single-family Dwelling
East	“C-3 UC-6 AHOD” General Commercial San Pedro Urban Corridor Airport Hazard Overlay District	Parking Lot, Vacant Commercial
West	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District; “O-1 AHOD” Office Airport Hazard Overlay District	Single Family Dwellings, Quadplex, Vacant Residential

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Five Points Neighborhood Plan (2009) and is currently designated Community Commercial in the future land use component of the plan. The subject property is within the Five Points Neighborhood Association. As such, the neighborhood association was notified and asked to comment.

Criteria for Review

Pursuant to Section 28-247 of *Chapter 28: Signs and Billboards* of the City Code, in order for a variance to be granted, the applicant must demonstrate:

1. *The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; or*
2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and*

Denial of the six foot variance would leave the signage susceptible to vandalism or defacing of property, as the area, according to the applicant, has a high crime rate. The sign will include two cabinets, for the two tenants on site. The bottom of the lowest sign must be no lower than 14 feet when hung over a driveway. The 30 foot sign is needed to provide the adequate clearance over the driveway.

The subject property has a small lot size and placement of the sign is limited on the site. The sign setback requirement would not provide adequate spacing for traffic circulation and parking. Meeting the 10 foot setback is difficult given the lot size and layout. A five foot setback could best meet the intent of the article and the business's needs.

3. *After seeking one or more of the findings set forth in subparagraphs (1) and (2), the Board finds that:*
 - A. *Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.*

There are several similar businesses with similar freestanding pole signage heights along the San Pedro corridor. Granting the six foot variance will not provide special privilege and would be in character with the surrounding area.

Locating a sign on the property does grant special privilege as the similar businesses provide a setback for signage, and include signage that does not encroach in the public right-of-way.

- B. *Granting the variance will not have a substantially adverse impact on neighboring properties.*

Additional height would not hinder views for adjacent properties or visibility of other signs. It is unlikely that neighboring property owners will be negatively impacted by the proposed signage.

The elimination of the setback would not directly have a negative impact on the adjacent properties; however, the sign would encroach in the public right-of-way, which is prohibited and would conflict with the appearance of the streetscape.

- C. *Granting the variance will not substantially conflict with the stated purposes of this article.*

The additional sign height does not exceed the allowed maximum sign height for the next intense street classification. The owner is proposing the variances to protect the property and provide safe and adequate traffic circulation and parking. Therefore, the request does not conflict.

The elimination of the setback would conflict as the sign cabinet would encroach in the public right-of-way.

Alternative to Applicant's Request

The applicant needs to construct the sign to come into compliance with the standards established by the chapter.

Staff Recommendation

Staff recommends **APPROVAL of a six foot variance in A-17-025** based on the following findings of fact:

1. The additional height would not hinder the view of neighboring properties;
2. The requested sign height does not exceed the maximum height requirement of 40 feet for an Arterial Type A.

Staff recommends **DENIAL of a 10 foot variance from the minimum 10 foot sign setback in A-17-025 with an alternate recommendation to locate the base of the sign five feet from the front property line** based on the following findings of fact:

1. The five setback would allow the requested sign area and would not encroach over the public right-of-way;
2. There is no hardship that would warrant the elimination of the entire setback.