



# City of San Antonio

## Agenda Memorandum

**File Number:**16-5152

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**Agenda Item Number:** 2.

**Agenda Date:** 10/3/2016

**In Control:** Board of Adjustment

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Case Number: A-16-152  
Applicant: CST Brands Inc.  
Owner: CST Stations Texas, LLC  
Council District: 4  
Location: 15239 Poteet Jourdanton Freeway  
Legal: Lot 1, Block 16, CB 4296  
Description:  
Zoning: "MI-1 AHOD" Mixed Light Industrial Airport Hazard  
Overlay District  
Case Manager: Margaret Pahl, AICP, Senior Planner

### **Request**

A request for 1) an 18 foot variance from the maximum 6 foot height to allow a 24 foot tall sign; and 2) a 100 square foot variance from the maximum 32 square foot sign area to allow a sign with 132 square foot and 3) a variance from the requirement that the pole be fully encased, all as described in UDC Section 35-310-15.

### **Executive Summary**

The applicant is constructing a new gasoline service station and convenience store, on the corner of Watson Road and Poteet Jourdanton Freeway. The subject property is 2.86 acres that was recently annexed, platted and is zoned "MI-1" Mixed Industrial District. This zoning designation was created for the rural portions of south San Antonio and include some design standards such as a large front setback and masonry building materials. In addition, signage is limited in size and height. Free-standing signs along freeways are permitted to be 35 feet in height, but arterial streets are limited to 6 feet in height and no larger than 32 square feet in sign area. Though the speed-limit on this street is 60 miles per hour and the right of way width is 220 feet, Poteet Jourdanton Freeway is classified as an arterial, not as a freeway.

According to the applicant, the speed of traffic and the right-of-way width on this street contribute to the need for increased sign height and area.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
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“MI-1 AHOD” Mixed Light Industrial Airport Hazard Overlay District	Gasoline Service Station
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### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“BP AHOD” Business Park Airport Hazard Overlay District	Vacant
South	“OCL” Outside City Limits	Vacant
East	“MI-1 AHOD” Mixed Light Industrial Airport Hazard Overlay District	Raw Material Storage
West	“OCL” Outside City Limits	Vacant

### Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Heritage South Sector Plan and currently designated Agribusiness in the future land use component of the plan. The subject property is not located within the boundaries of the neighborhood association.

### Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

**The public interest is defined as the general health, safety, and welfare of the public. In this case, reduced sign height is required for rural roads within this part of the City. The design of this street, including speed limit and width contribute to staff’s findings that the requested variance for additional height and square footage is not contrary to the public interest.**

The goal of compatible design detailing, such as matching masonry around the pole structure, does contribute to the public interest and a variance would be contrary.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

**The special condition present in this case is that the volume of traffic on the adjacent street has not reached a level required to change the classification to a *freeway*. A literal enforcement of the ordinance for height and square footage would result in an unnecessary hardship. Staff recommends that the design enhancement be required as necessary.**

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

**The spirit of the ordinance will be respected in that the UDC includes additional sign allowance for businesses on freeways. Within this zoning district, businesses on *freeways* are permitted a 35 foot sign height and 200 square feet of sign area, more than the applicant is requesting in the variance for height and size. Therefore, the variances observe the spirit of the ordinance.**

Justice will not be observed in modifying the minimum design standards for one of the first new businesses in the area.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for*

*the district in which the property for which the variance is sought is located.*

**The requested variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “MI-1 AHOD” Mixed Industrial Airport Hazard Overlay District.**

*5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

**The additional sign height and square footage will not alter the essential character of the district, which as it grows, may warrant a change in street classification.**

This is the first major business along this stretch of roadway and will begin to establish the character of the district. Therefore, the requested design variance would injure the anticipated character.

*6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

**The owner is the first investor to establish a business along this recently widened and improved road, a circumstance that is not merely financial.**

#### **Alternative to Applicant’s Request**

Without the requested variance, the applicant would be required to redesign the sign to six feet in height, with 32 square feet in sign area.

#### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variances for additional height and square footage in A-16-152** based on the following findings of fact:

1. The speed limit of the adjacent street is 60 miles per hour;
2. The right of way width is over 200 feet, with six lanes and a median;

Staff recommends **DENIAL of the variance from the design standard requiring masonry finish encasing pole** based on the following findings of fact:

1. The adopted design standards applied consistently as growth takes place can create attractive community character.