



City of San Antonio

Agenda Memorandum

File Number:17-1136

Agenda Item Number: 3.

Agenda Date: 1/9/2017

In Control: Board of Adjustment

Case Number: A-17-033
Applicant: Greg Burkett
Owner: Brazos de Santos Partners, LTD
Council District: 9
Location: 18195 US Highway 281 North
Legal: Lots 38 & 39, Block 9, NCB 15760
Description:
Zoning: "C-3 R MLOD ERZD" General Commercial Restrictive
Alcohol Sales Military Lighting Overlay Edwards Recharge
Zone District
Case Manager: Margaret Pahl, AICP, Senior Planner

Request

A request for a 10 foot variance from the maximum 60 foot sign height, as described in Section 28-241, to allow a 70 foot tall freeway sign.

Executive Summary

The subject property includes two adjacent restaurants, owned and operated by the Bill Miller restaurant organization. The applicant is pursuing a sign master plan to allow a new two tenant sign to be installed on an existing pole, which is 70 feet in height. The sign currently advertises Bill Miller's BBQ but is located on the lot that houses the restaurant Laguna Madre Seafood Company. The existing sign pole is structurally sound, according to a sign company inspection, and can support the proposed joint tenant sign as requested. In order for a sign master plan to be considered, all signs must be consistent with sign regulations, with no non-conformities. The height of the existing sign is 10 feet taller than current code permits, generating the need for the requested variance.

The new freeway interchange required additional property at this location and the relocation of the existing sign. As with all eminent domain cases, the property owner retains the rights to anything that previously existed prior to *government action*. The relocated pole, 70 feet in height, was engineered and installed in its current location.

| Existing Zoning | Existing Use |
|-----------------|--------------|
|-----------------|--------------|

| | |
|---|------------|
| “C-3 R MLOD ERZD” General Commercial Restrictive Alcohol Sales Military Lighting Overlay Edwards Recharge Zone District | Restaurant |
|---|------------|

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|---|---------------------|
| North | “C-3 MLOD ERZD” General Commercial Military Lighting Overlay Edwards Recharge Zone District | Restaurant |
| South | “C-3 MLOD ERZD” General Commercial Military Lighting Overlay Edwards Recharge Zone District | Car Dealer |
| East | “C-3 MLOD ERZD” General Commercial Military Lighting Overlay Edwards Recharge Zone District | Grocery Store |
| West | “C-3 MLOD ERZD” General Commercial Military Lighting Overlay Edwards Recharge Zone District | Restaurant |

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the North Sector Plan and currently designated as Regional Commercial in the future land use component of the plan. The subject property is not located within the boundaries of a registered Neighborhood Association.

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*

The owner of two adjacent restaurants is seeking approval to update the signage, placing both signs on a single existing pole. A Sign Master Plan is also being requested to allow the “off-premise” component of the sign. The existing sign is 70 feet in height and is directly adjacent to an elevated freeway interchange. Signage is permitted at that height when three tenants are being included, rather than the two as proposed. The signage is currently below the allowable square footage limitation for a single tenant. No variance is requested to allow additional square footage.

- 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.

The businesses with freeway frontage are permitted 60 feet in height along this corridor and 375 square

feet of sign area. Three tenants are permitted an additional ten feet to the requested 70 feet in height. The variance is being requested in conjunction with a sign master plan, which will reduce the overall signage on the two parcels.

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

The ordinance intends to protect the public from over-crowding of signage, while providing businesses the opportunity to advertise. The proposed variance, coupled with the sign master plan, will reduce the potential number of signs allowed and not have an adverse impact on neighboring properties.

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

The requested variance does not conflict with the stated purpose of the chapter in that 70 feet is permitted for three or more tenants with freeway frontage. In this case, the sign has existed at this height and will include less than the permitted square footage for a single tenant.

Alternative to Applicant's Request

The applicant would have to install a 60 foot sign.

Staff Recommendation

Staff recommends **APPROVAL** of the requested variance **A-17-033** based on the following findings of fact:

1. The applicant is replacing an existing cabinet with a dual tenant sign, reducing the sign clutter.