



City of San Antonio

Agenda Memorandum

File Number:17-4082

Agenda Item Number: 2.

Agenda Date: 7/17/2017

In Control: Board of Adjustment

Case Number: A-17-127
Applicant: Nick Harris
Owner: Rafter Properties, LLC (Richard M. Peacock)
Council District: 2
Location: 722 Seguin Avenue
Legal: Lot 17, Block 4, NCB 1198
Description:
Zoning: "C-2 EP-1" Commercial Facility Parking/Traffic Control District
Case Manager: Shepard Beamon, Senior Planner

Request

A request for a 15 foot variance from the maximum 24 foot sign height, as described in Section 28-239, to allow a 39 foot tall freestanding pole sign on a Commercial Collector.

Executive Summary

The subject property is currently developed as a Taco Bell. The applicant is requesting the variance to allow a pole sign to better promote business along IH-35. The only signage currently visible is located on the façade of the building. Under Chapter 28 of the sign code, the maximum allowed height for a freestanding pole sign along a Commercial Collector is 24 feet. The applicant wishes to construct a sign with a height of 39 feet. The next street classification, Arterial Type A, allows a 40 foot tall pole sign. The request will not exceed allowed maximum sign height for the Arterial Type A street classification.

| Existing Zoning | Existing Use |
|---|--------------|
| "C-2 EP-1" Commercial Facility Parking/Traffic Control District | Taco Bell |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|---|------------------------------|
| North | "I-1 EP-1" General Industrial Facility Parking/Traffic Control District | Vacant Commercial, Ice House |

| | | |
|-------|--|---|
| South | "I-2 EP-1" General Industrial Facility Parking/Traffic Control District | Single-Family Residential, Vacant Residential |
| East | "C-2 EP-1" Commercial Facility Parking/Traffic Control District | Vacant Commercial |
| West | "I-2 EP-1" General Industrial Facility Parking/Traffic Control District | Single-Family Residential, Vacant Residential, Furniture Shop |

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Government Hill Neighborhood Plan and currently designated as Community Commercial in the future land use component of the plan. The subject property is located within the boundaries of the Government Hill Alliance and they were 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*

As the sign is proposed to be situated further away from the freeway, the additional sign height will better promote the business and increase visibility. Additionally, the sign will be located behind "C-2" zoned properties that have frontage along IH-35 and could be developed to a height of 60 feet, ultimately blocking all view of the sign if built to meet the allowed sign height.

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.

Similar to other commercial properties with frontage along IH-35, the subject will also have a freestanding pole sign to promote the business. The request is not out of character of the surrounding commercial properties and IH-35 corridor.

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 will not have an adverse impact on neighboring properties as many of the properties surrounding the subject property are vacant commercial or industrial. The additional sign height should not interfere with the surrounding residential properties as they are located behind the subject property.

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 the request will not exceed the maximum 40 foot sign height for the subsequent street classification, Arterial Type A. Since the request falls within range of Commercial Collector and Arterial Type A, the requested height

provides reasonable limits on signage to help preserve economic cornerstones. Further, the request will not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, other vehicles, or to read traffic signs.

Alternative to Applicant's Request

The applicant would have to install a 24 foot sign.

Staff Recommendation

Staff recommends **APPROVAL of the requested variance A-17-127** based on the following findings of fact:

1. As the property is situated further away from the freeway, the additional sign height is necessary to promote business.
2. The request will not exceed allowed 40 foot maximum sign height for the Arterial Type A street classification.