



# City of San Antonio

## Agenda Memorandum

**File Number:** 17-4628

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**Agenda Item Number:** 3.

**Agenda Date:** 8/21/2017

**In Control:** Board of Adjustment

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**Case Number:** A-17-145  
**Applicant:** Arnolando Uribe  
**Owner:** Arnolando Uribe  
**Council District:** 2  
**Location:** 4439 Walzem Road  
**Legal:** Lot 16, Block 1, NCB 12179  
**Description:**  
**Zoning:** "C-3 MC-3 AHOD" General Commercial Austin Highway /  
Harry Wurzbach Metropolitan Corridor Overlay Airport  
Hazard Overlay District  
**Case Manager:** Oscar Aguilera, Planner

### Request

A request for an 85 square foot variance from the maximum 65 square foot digital sign area, as described in the Austin Highway / Harry Wurzbach Metropolitan Corridor Section F table F.1, to allow a 150 square foot digital sign.

### Executive Summary

The applicant is requesting the variance to allow a digital sign on a freestanding pole to allow the maximum message area to be a 150 square feet to advertise the multiple tenants on his property. The applicant is restricted to a maximum message area of 65 square feet for a single tenant sign. The proposed digital sign is consider a single tenant sign because the sign only advertises one business at the time and there is one display for the entire strip center. The applicant is proposing to replace all the existing signs with one digital sign to make the property more appealing for the public, customers, and the businesses leasing a space within the property.

Existing Zoning	Existing Use
"C-3 MC-3 AHOD" General Commercial Austin Highway / Harry Wurzbach Metropolitan Corridor Overlay Airport Hazard Overlay District	Strip Mall

### Surrounding Zoning/Land Use

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“C-3 MC-3 AHOD” General Commercial Austin Highway / Harry Wurzbach Metropolitan Corridor Overlay Airport Hazard Overlay District	Texas Neuroscience Center, Office, Parking Lot
South	“R-5 AHOD” Single-Family Airport Hazard Overlay District, “C-2 AHOD” Commercial Airport Hazard Overlay District, “C-2 NA AHOD” Commercial Nonalcoholic Airport Hazard Overlay District “C-1 AHOD” Light Commercial Airport Hazard Overlay District, “O-1 AHOD” Office Airport Hazard Overlay District,	Strip mall, governmental, hair salon, psychic, single family home
East	“C-3 MC-3 AHOD” General Commercial Austin Highway / Harry Wurzbach Metropolitan Corridor Overlay Airport Hazard Overlay District, “C-3 R MC-3 AHOD” General Commercial Restrictive Alcoholic Austin Highway / Harry Wurzbach Metropolitan Corridor Overlay Airport Hazard Overlay District, “I-1 MC-3 AHOD” General Industrial Austin Highway / Harry Wurzbach Metropolitan Corridor Overlay Airport Hazard Overlay District, “I-1 AHOD” General Industrial Airport Hazard Overlay District	Vacant lots, Marble Supplier, Strip Mall
West	“C-3 MC-3 AHOD” General Commercial Austin Highway / Harry Wurzbach Metropolitan Corridor Overlay Airport Hazard Overlay District	Offices

### **Comprehensive Plan Consistency/Neighborhood Association**

The property is not within the boundaries of any plan and therefore the property is not restricted to any future land use component designation. The subject property is not located within the boundaries of a registered 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, the public interest is represented by commercial design standards for on premise signage. The applicant is proposing to remove all existing signs and replace them with a 150 square foot digital sign to advertise all tenants. According to the corridor requirement, the maximum message area is 65 square feet for a single tenant sign. Staff considers the proposed digital sign classification as a single tenant size. The proposal would double the

permitted size for a single tenant within the corridor. While staff recognizes that the request is for less signage than the grandfathered signage in place today, staff still finds that the 150 square feet is excessive.

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

The applicant feels that because of the number of tenants on the property, the existing signage looks cluttered and the businesses aren't marketed appropriately. Staff agrees that the proposal will be an improvement compared to the current conditions, but feel there is no hardship that justifies more than doubling the allowable size requirements for a single tenant sign.

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

The spirit of the ordinance is defined as the intent of the code rather than the exact letter of the law. The intent of this overlay district is to create an attractive corridor for the traveling public, which is not observed by the proposed design. Staff finds that the proposed 150 square foot sign will have a negative impact on the attractiveness of the gateway corridor. The applicant could have multiple signs up to 200 square foot or provide a single electronic display up to 65 square feet.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

The variance will not authorize the operation of a use other than those uses specifically authorized in the "C-3 MC-3 AHOD" General Commercial Austin Highway / Harry Wurzbach Metropolitan Corridor Overlay 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 applicant is requesting a variance to allow a 150 square foot digital sign. Staff feels that the digital sign does not complement the character of the district because it seeks to permit a sign that is far larger than what is allowed in the district.

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 has indicated that his plight is that the property does not have any buildings with street frontage, existing signs are too large and cluttered, therefore the tenants do not get the required visibility that a business needs. Staff recognizes the applicant's need to advertise their tenants, and a 65 square foot sign achieves that goal and promotes a more cohesive design along the corridor.

### **Alternative to Applicant's Request**

Denial of the requested variance would result in the applicant keeping their existing signage or building or a sign that meets the corridor design standards.

### **Staff Recommendation**

Staff recommends **DENIAL of the requested variance in A-17-145** based on the following findings of fact:

1. Staff finds that there is no special condition that warrants more than doubling the permitted square footage; and
2. The corridor design standards were developed to reduce the visual impact of signage along the corridor.