



City of San Antonio

Agenda Memorandum

File Number:21-1040

Agenda Item Number: 3.

Agenda Date: 1/11/2021

In Control: Board of Adjustment

Case Number: BOA-20-10300131
Applicant: Killen, Griffin & Farrimond, PLLC
Owner: MFP Foster Ranch LP
Council District: Outside City Limits
Location: Generally located north of the IH-10 East and North Foster Road intersection
Legal Description: Lot 7, Block 3, CB 5090D
Zoning: "OCL AHOD" Outside City Limits Airport Hazard Overlay District
Case Manager: Zenon Solis, Principal Planner

Request

A request for a 20' sign variance from the sign height maximum of 40', as described in Chapter 28, Section 28-45, to allow for 60' tall single-tenant sign.

Executive Summary

The subject property, currently undeveloped 1.3-acre lot, is located adjacent to North Foster Road that is classified as a Secondary Arterial Type A with 86' of Right of Way. The subject property is approximately 600' from closest point at rear of lot to IH-10E Expressway and just over 700' from the front of the property. The applicant is seeking to erect a 60' single-tenant sign for a proposed McDonald's restaurant.

Chapter 28, Section 28-45, requires a maximum single-tenant sign height of 40' if located on streets classified as Arterial Type A. The Code provides an Administrative exception and allows for an additional 10' to only expressway signage, which starts at 50'. The adjacent QuickTrip south of the subject property is permitted up to 50' with grade bonus up to 60' height due to Expressway frontage. There is varied topography along Foster Road and the Frontage Road access from IH-10 E creating visual hindrances.

Code Enforcement History

No code enforcement history exists on this property.

Permit History

No permits have been processed for this sign project.

Zoning History

The subject property is Outside City Limits. The property is not under any Military Lighting Overlay. This property is not required to abide by the City of San Antonio, Unified Development Code, Article III, Zoning.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“OCL” Outside City Limits - No zoning	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“OCL” Outside City Limits - No zoning	Vacant Lot
South	“C-3 AHOD” General Commercial Airport Hazard Overlay District	QuickTrip
East	“OCL” Outside City Limits - No zoning	Commercial
West	Right-of-Way	North Foster Road

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the I-10 East Corridor and is designated as “Community Commercial” in the future land use component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

Street Classification

Foster Road is classified as a Secondary Arterial Type A.

Criteria for Review

Pursuant to Section 28-45 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.*

Due to the lack of Expressway proximity staff could not find reasoning to allow a precedent of 60’ closer to the residential neighborhoods.

Though the granting of additional 10' in height is warranted and will conform to existing conditions of the commercial area.

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.

A 60' tall sign may potential block future development along Foster Rd and will set a precedent due to the subject properties distance from the Expressway.

A 50' sign would not be out of character with the commercial properties closer to IH-10.

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

A 60' tall sign may potential block future development along Foster Rd and will set a precedent due to the subject properties distance from the Expressway.

A 50' sign will not have an adverse impact on neighboring properties which consist of gas stations, food services and business. Further, due to the nature of the McDonald's minimal sign square footage, the proposed sign will not be a substantially large sign field.

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

The requested sign height provides reasonable limits on signage area yet an increased height to 60' may detract from future development.

A 50' tall sign will not impair the driver's ability to see pedestrians, obstacles, or other vehicles or to read traffic signs.

Alternative to Applicant's Request

The applicant must adhere to the Chapter 28, Section 28-45.

Staff Recommendation

Staff recommends **DENIAL with an Alternate Recommendation of a 10' Variance to allow a sign to be 50' in height in BOA-20-10300131**, based on the following findings of fact:

1. The requested variance will not cause visual clutter, and;
2. Due to the subject property's location and orientation behind abutting neighbor having a taller sign is warranted.