



# City of San Antonio

## Agenda Memorandum

**File Number:**15-4273

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**Agenda Item Number:** 6.

**Agenda Date:** 8/3/2015

**In Control:** Board of Adjustment

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**Case Number:** A-15-125  
**Applicant:** Stripes, LLC  
**Owner:** Money Cay, LLC  
**Council District:** 3  
**Location:** 7622 South Presa Street  
**Legal Description:** Lot 20, NCB 10930  
**Zoning:** "C-2 MC-2 RIO-6 AHOD" Commercial South Presa Metropolitan Corridor Overlay River Improvement Overlay Airport Hazard Overlay District  
**Case Manager:** Logan Sparrow, Senior Planner

### **Request**

A request for 1) a variance from the River Improvement Overlay design requirement that shared driveways shall not exceed 25 feet in width, as described in Section 35-672(b)(1)(B) to allow one driveway that is 40 feet wide and another that is 45 feet wide and 2) a 511 square foot variance from the maximum 50 square foot sign area limitation, as described in Section 35-678(e) to allow a total of 561 square feet of signage on the subject property and 3) a variance from the South Presa Metropolitan Corridor design requirement that 30% of a street wall façade include a three foot wide planting strip, as described in Section D-10.

### **Executive Summary**

The subject property is located at the southeast intersection of the SE Military Road and South Presa Street intersection. Stripes, LLC, the applicant, is seeking three variances from multiple sections of code to allow wider ingress/egress points, increased signage, and an elimination of a three foot wide planting strip to construct a convenience store with a gas station. The location will also contain a Laredo Taco restaurant. The subject property is located in both the "MC-2" South Presa Metropolitan Corridor Overlay District and the "RIO-6" River Improvement Overlay District. As stated in the corridor's applicability section, when a conflict between corridor standards and RIO standards arises, RIO standards take precedence. All variances being requested by the applicant are variances from the more restrictive of the two standards.

The River Improvement Overlay District contains the more severe set of restrictions regarding the width of ingress and egress points. The RIO standards would limit the subject property to 25 foot wide driveways. The applicant is seeking two variances from this requirement to allow one driveway 40 feet wide and another 45 feet wide, for safe deliveries of fuel and retail items.

The River Improvement Overlay District also imposes several sign restrictions, intended to increase enjoyment

of the natural atmosphere within this community, namely the San Antonio River, by reducing sign clutter. The standards allow up to 50 square feet of advertising space, the applicant has submitted plans to staff seeking 561 square feet.

Lastly, one of the design requirements in the South Presa Metropolitan Corridor is that 30 percent of a street wall façade shall include a three foot wide planting strip. This design element compliments pedestrian -oriented development within the community by providing additional landscaping beyond the required buffering and screening. The planting strip is required along only 30% of a street wall façade, being the portions of the structure facing SE Military Drive, and would be located in front of the building and the sidewalk to soften the look of the structure. The applicant is seeking the elimination of the planting strip, citing the hardship created for deliveries having to traverse the strip with pallet-loaders to gain access to the building.



Example of three foot planting strip

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

| Existing Zoning  | Existing Use  |
|--|---|
| “C-2 MC-2 RIO-6 AHOD” Commercial South Presa Metropolitan Corridor Overlay River Improvement Overlay Airport Hazard Overlay District | Currently vacant, proposed convenience store with gas station |

### **Surrounding Zoning/Land Use**

| Orientation | Existing Zoning District(s)   | Existing Use           |
|-------------|---|------------------------|
| North       | “C-2 RIO-5 AHOD” Commercial River Improvement Overlay Airport Hazard Overlay District | Multi-Family Dwellings |

|       |   |                        |
|-------|---|------------------------|
| South | “MF-25 MC-2 RIO-6 AHOD” Multi-Family South Presa Metropolitan Corridor Overlay River Improvement Overlay Airport Hazard Overlay District                        | Multi-Family Dwellings |
| East  | “C-2 RIO-6 AHOD” Commercial River Improvement Overlay Airport Hazard Overlay District   | Vacant                 |
| West  | “C-3 H MC-2 RIO-6 AHOD” General Commercial Mission Historic South Presa Metropolitan Corridor Overlay River Improvement Overlay Airport Hazard Overlay District | Vacant                 |

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

The property is located within the boundaries of the Stinson Airport Vicinity Plan and currently designated Community Commercial in the future land use component of the plan. The subject property is located within 200 feet of the Hot Wells Neighborhood Association. As such, the neighborhood association was notified and asked to comment.

### **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 will be served by granting the first variance request that would allow for driveways 40 and 45 feet wide. The subject property is elevated over the adjacent streets. Large fuel and delivery trucks may struggle turning uphill into a narrow driveway; this is potentially unsafe. Allowing the applicant to increase the width of the driveways will make accessing the property easier, especially for delivery trucks which will frequent this type of business.**

**Staff further supports the requested sign variance. The RIO signage standards, which are intended to reduce sign clutter from overwhelming the natural environment, namely the river, will still be respected if the property is granted the requested signage. The subject property is nearly a third of a mile from the river ROW and, as such, the additional signage, which is necessary to effectively market to businesses along an arterial like SE Military, will not detract from the character of the river community. Further, the Office of Historic Preservation and the Historic Design and Review Commission have recommended approval of the sign package as they, too, feel that it is in harmony with the purpose of the RIO standards.**

**Staff further finds that eliminating the planting strip is not contrary to the public interest in that the design element is, generally, intended for pedestrian-oriented development. A gasoline station, by it's function, is necessarily automobile-oriented and, therefore, the planting strip doesn't serve much of a purpose.**

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

Regarding the driveway width, there are two conditions that should be considered by the Board. First, the property will be developed as a convenience store with a gas station. This type of business brings high customer counts throughout the day, as well as frequent deliveries, often arriving on large semi-trucks. Delivery trucks of this variety are likely to struggle turning into narrow driveways. Additionally, the subject property is elevated over adjacent roads, adding further to the difficulty of turning into tight ingress points. Staff finds that a literal enforcement of the ordinance, which would limit the applicant to driveways not to exceed 25 feet wide, is likely to result in unnecessary hardship.

A literal enforcement of the code regarding signage would result in an unnecessary hardship. The location is set to house a Stripes convenience store, a Sunoco gas station, and a Laredo Taco restaurant. Requiring the development of three business to be advertised on two major streets, utilizing only 50 square feet in signage, is an unnecessary hardship. The Office of Historic Preservation, which reviews all projects in the River Improvement Overlay District, has expressed support for the proposed signage, asking only that the development have a monument sign reduced to six feet in height, which has been agreed to.

The special condition present in this case to warrant the elimination of the pedestrian-oriented planting strip is that this business is, by its very use, not pedestrian-oriented.

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

Granting the requested variance for driveway width will result in substantial justice as the property will be developed with safety in mind. There are businesses that can comply with a 25 foot wide driveway, but this is not one of them. Considering the elevation changes and the large delivery trucks frequenting the establishment, staff finds that granting the variance increases safety and therefore, results in substantial justice.

Granting the requested sign variances will result in substantial justice, too, in that they will allow both effective marketing of the business, and remain consistent with the intent of the RIO overlay district, per the Office of Historic Preservation.

As the planting strip would not benefit the proposed development, staff finds that removing it will result in substantial justice.

*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 variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “C-2 MC-2 RIO-6 AHOD” Commercial South Presa Metropolitan Corridor Overlay River Improvement 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.*

Allowing the applicant to develop a property with safe ingress and egress points, and with necessary signage will not negatively affect adjacent, conforming properties.

Eliminating the planting strip is unlikely to harm adjacent-conforming properties. When nearby pad sites are developed, they may very well be pedestrian-oriented, in which case the establishment of the planting strip would benefit those development. As this project is vehicle-oriented, the pedestrian-friendly planting strip is not necessary, and will not detract from the character of the community.

*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 unique circumstance present on this property related to driveway width is twofold: the type of business demands wider access points, and the property is elevated. Increasing the driveway width would increase safety for this development. Regarding signage, staff has determined that, as the subject property is located a third of a mile from the river ROW, the increased signage, which is necessary, is needed because the property fronts along two major roads. Limiting the applicant to only 50 square feet in frontage is insufficient space for a convenience store, gas station, and a restaurant. Staff finds that eliminating the planting strip is necessary as it will create barriers to efficient deliveries for the business. Further, staff finds that the proposed development would not benefit from the planting strip design element.**

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

Denial of the requested driveway variance will result in the development having to comply with a 25 foot wide driveway. Denial of the requested sign variances would result in the applicant having to advertise three businesses on 50 square feet of signage.

### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variances in A-15-125** based on the following findings of fact:

1. The increased driveway width is needed for deliveries and contributes to increased safety.
2. The Historic Design and Review Commission has determined that the proposed sign package is consistent with the intent of the RIO district and is necessary to advertise the businesses.
3. The planting strip does not benefit the proposed development.