

Case Number:	BOA-22-10300066
Applicant:	Morgan's Wonderland
Owner:	Morgan's Wonderland
Council District:	10
Location:	5223 David Edwards Dr.
Legal Description:	NCB 14945 BLK 9 LOT EXC NE IRR 172.01 FT OF 4 (60.4038 AC) & NE 281 FT OF LOT 901 (10.37 AC) (LONGHORN QUARRY SUBD UT-2)
Zoning:	"ED AHOD" Entertainment Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for a 10' variance from the maximum 40' sign height allowance, as described in Chapter 28, to allow a 50' tall single-tenant sign.

Executive Summary

The subject property is the theme park Morgan's Wonderland located at 5223 David Edwards. The Morgan's Wonderland sign is located along the access road of Wurzbach Parkway. Originally the sign was approved in 2009 as a multi-tenant pole sign at 50' overall height with the bottom cabinet, being the LED EMC Unit. The applicant is requesting to remove the EMC unit which now classifies the sign as a "single tenant" sign. The maximum height allowance for a single-tenant sign is 40 feet, so in order to move forward with their project to maintain the existing height, a 10' variance is required. The DSD Sign Team has reviewed the request and does not have any issues with the proposed sign variance.

Code Enforcement History

There is no relevant code enforcement history for the subject property.

Permit History

Commercial Sign Permit has been submitted for the subject property. The sign permit is pending the outcome of the BOA Meeting.

Zoning History

The subject property was annexed to the City Limits of San Antonio by Ordinance 44911, dated February 13, 1975, and was zoned "I-2" Heavy Industry District. Upon adoption of the 2001 Unified Development Code, the zoning converted to "I-2" Heavy Industrial District. The property was rezoned by Ordinance 2007-12-06-1271, dated December 6, 2007, from "I-2" to "ED" Entertainment District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"ED AHOD" Entertainment District Airport Hazard Overlay District	Theme Park

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“ED AHOD” Entertainment Airport Hazard Overlay District	Sports Field and Park
South	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Convenience Store
East	“ED AHOD” Entertainment Airport Hazard Overlay District	Theme Park
West	“ED AHOD” Entertainment Airport Hazard Overlay District	Sports Field

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the San Antonio International Airport Vicinity Plan and is designated Public Institutional 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

David Edwards Drive is classified as a local street.

Criteria for Review – Sign Variance

Pursuant to Section 28-5 of Chapter 28: Signs and Billboards of the City Code, in order for a variance to be granted, the applicant must demonstrate:

- 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*
- A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property.*

The location of the subject property currently permits a maximum sign height of 40’ for a single-tenant sign. The applicant is requesting a 50’ sign, which is the height of the existing sign on the property. The sign was originally approved as a multi-tenant sign which is permitted to be 50’ in height, but the applicant is proposing to remove a cabinet, which would turn the sign into a single-tenant sign. The request to maintain the height does not appear to be excessive in nature and, with the sign being existing, a denial of the variance may cause a cessation of commercial use of the property.

- After seeking one or more of the findings set forth in subparagraphs (1) and (2), the Board finds that:*
 - Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

The proposed sign variance does not appear to provide special privilege to the applicant nor others similarly situated.

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

The proposed sign variance does not appear to have an adverse impact on neighboring properties as the sign is currently existing and the proposed changes to the sign are minimal.

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

The requested variance will not substantially conflict with the stated purpose of the chapter.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Sign Height Requirements per the UDC Section 28-45.

Staff Recommendation – Sign Variance

Staff recommends **Approval** in **BOA-22-10300066** based on the following findings of fact:

1. The existing freestanding sign is 50' tall and was originally approved at that height due to being a multi-tenant sign; and
2. DSD Sign Staff has reviewed the request and do not find any adverse effects.