

Case Number:	BOA-23-10300049
Applicant:	Killen, Griffin & Farrimond, PLLC
Owner:	ADC San Antonio, TX LLC
Council District:	9
Location:	Generally located in the 26000 Block of Bulverde Road
Legal Description:	Lot 102, Block 1, CB 4865B
Zoning:	“C-2 GC-3 MLOD-1 MLR-2 ERZD” Commercial US 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District
Case Manager:	Vincent Trevino, Senior Planner

### **Request**

A request for 1) a 15’ variance from the maximum 35’ Corridor sign height allowance, as described in Section 35-339.01(c)(4), to allow a 60’ tall single-tenant sign with a 10’ elevated adjacent grade bonus and 2) a 140 square foot variance from the maximum 200 square footage allowance, as described in 35-339.01(c)(4), to allow a single-tenant sign to be 340 square feet.

### **Executive Summary**

The subject property is located along the corner intersection of Bulverde Road and US Hwy 281 N. The location provides a unique set of circumstances such as decreased visibility and limited accessibility. The recent overpass construction has created an expressway that is elevated significantly above the property. Additionally, due to drainage improvements and existing power lines and the proximity to the intersection of US Hwy 281 N and Bulverde Road, the proposed sign will be setback far into the property.

### **Code Enforcement History**

There is not relevant code enforcement history for the subject property.

### **Permit History**

There are no relevant permits pulled for the subject property.

### **Zoning History**

The property was annexed into the City of San Antonio by Ordinance 2016-12-01-0899 dated December 1, 2016. Ordinance 2016-12-01-0902 dated December 1, 2016 gave the property the zoning designation of “C-2” Commercial District.

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

Existing Zoning	Existing Use
“C-2 GC-3 MLOD-1 MLR-2 ERZD” Commercial US 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Vacant Commercial

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

Orientation	Existing Zoning District(s)	Existing Use
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North	“C-2 GC-3 MLOD-1 MLR-2 ERZD” Commercial US 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Vacant Commercial
South	“C-2 GC-3 MLOD-1 MLR-2 ERZD” Commercial US 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Vacant Commercial
East	ROW	US HWY 281
West	“C-2 CD S GC-3 MLOD-1 MLR-2 ERZD” Commercial US 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District with a Conditional Use and a Specific Use Authorization for a Micro-Distillery	Distillery/Bar

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

The subject property is in the North Sector Plan and is designated “Civic Center” in the future land use component of the plan. The subject property is not located within the boundary of a registered Neighborhood Association.

### **Street Classification**

Bulverde Road is classified as a Secondary Arterial A Road.

### **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:

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.*

The property currently qualifies for a sign 45’ in height/200 square feet for a single-tenant sign, that includes a 10’ bonus height due to adjacent elevated grade of overpass. The current allowable height and size will not cause a cessation of legitimate, longstanding active commercial use of the property.

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.

The proposed sign appears to provide a special privilege as there are no other signs of this height or square footage in the surrounding area.

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

The proposed variance may have an adverse impact on neighboring properties as there are no signs of this height or square footage and will appear to be exceeding the sign regulation standards for the US 281 North Gateway Corridor District Plan.

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

The requested variance appears to substantially conflict with the stated purpose of the chapter. A sign exceeding the 45' in height (to include 10' bonus)/ 200 square feet will not follow the US Hwy 281 North Gateway Corridor District Plan.

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

The alternative to the applicant's request is to conform to the Sign Height Requirements per Section 35-339.01(c)(4) in the UDC Code.

### **Staff Recommendation – Sign Height and Square Footage Maximum Variance**

Staff recommends Denial in BOA-23-10300049 based on the following findings of fact:

1. The new proposed sign height and square footage are exceeding the US 281 North Gateway Corridor District Plan.
2. The current allowable height and size will not cause a cessation of legitimate, longstanding active commercial use of the property.