



City of San Antonio

Agenda Memorandum

File Number:19-2528

Agenda Item Number: 13.

Agenda Date: 3/27/2019

In Control: Planning Commission

DEPARTMENT: Transportation & Capital Improvements (TCI)

SUBJECT:

Rise exceeding 0.5' due to the relocation of a hydraulic drop structure; 14715 Babcock Rd

SUMMARY:

FPV #19-001: Request by KFW Engineers for approval of a variance request associated with proposed removal of a drop structure, excavation and fill associated with a new residential subdivision in the 1% Annual Chance Flood Hazard Area for a residential tract at 14715 Babcock Road, San Antonio, Texas, 78249. Staff recommends Approval. (Plat 18-900109) [Noah Parsons, Engineer, (210) 207-8058, noah.parsons@sanantonio.gov, TCI Department]

BACKGROUND INFORMATION:

Council District:	District 8 - San Antonio
Filing Date:	February 11, 2019
Owner:	Casina Creek Homes LLC
Engineer/Surveyor:	KFW Engineers
Staff Coordinator:	Noah Parsons, Engineer II, (210) 207-8058

ANALYSIS:

Variance Request:

On February 11, 2019, the applicant requested a variance from Section 35-F133(c)(2) of the Unified Development Code (UDC). Transportation & Capital Improvements has no objection to the granting of the variance as indicated in the attached letter (**ATTACHMENT #1**). KFW's request with an exhibit of the area is also attached. (**ATTACHMENT #2**)

Flood Study:

A flood study was prepared to support reclaiming the subject site from the effective floodplain for proposed development. The study has shown no increases of water surface elevations on Huesta Creek Tributary A to other properties for the FEMA 1% annual chance floodplain due to compensatory excavation and indicated no adverse impact to adjacent properties with the proposed improvements. However, the project proposes to create a rise of over 0.5' on the *owner's* property.

The proposed improvements are located on a property at 14715 Babcock Road, within the Huesta Creek

Tributary A floodplain.

It is noted that Plat #18-900109 and the associated Floodplain Development Permit (FPDP) will not be approved for construction that will result in changes to the floodplain boundary until this variance is approved by Planning Commission and until TCI Stormwater approves all other drainage and flood-related components.

Aquifer Review:

The subject property is not located within the Edwards Recharge Zone.

ALTERNATIVE ACTIONS:

Sitework Permit consideration without a Variance:

Sitework Permit will not be approved due to lack of compliance with Section 35-F124 (c) (3) of the Unified Development Code, which states that "Increase in water surface elevation for the 1% annual chance floodplain does not exceed six (6) inches." This project proposes to create a rise greater than 0.5' (6 inches) on the owner's property.

Therefore a variance is required for this condition.

Sitework Permit consideration with a Variance:

Per Section 35-F135 (a) (1) of the Unified Development Code, "The planning commission shall consider requests for variances from the requirements of these regulations. Variance requests shall be processed as follows: For cut and/or fill, building, building permits, or establishment of a mobile home site, the applicant shall present the disapproved permit to the director of development services together with information as to why the variance should be granted. The commission will then hear the request as soon as practical."

In accordance with UDC 35-483 the Planning Commission shall render a written finding of the variance by approving, denying, or approving with conditions.

- 1. Approve with conditions:** In granting variances, the commission may impose such reasonable conditions as will ensure that the property will be as compatible as practical with the regulations and surrounding properties.
- 2. Approval criteria:** The planning commission may grant variances if it concludes that strict compliance with regulations would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of these regulations will be observed, public safety and welfare secured, and substantial justice done. The planning commission may grant a variance only if it finds that:
 1. The proposed variance will not be contrary to the spirit and intent of this code and the regulations from which the variance is requested and the proposed variance complies with all other applicable standards of subsection 35-432 <<https://www.municode.com/library/>>(e) to the extent practicable; and
 2. The hardship relates to the applicant's land, rather than personal circumstances; and
 3. The hardship is not the result of the applicant's own actions and that the applicant has taken all practicable measures to minimize any adverse impacts on the public health, safety and public welfare;
 4. Under the circumstances, the public interest underlying the proposed variance outweighs the public interest underlying the particular regulation for which the variance is granted; and
 5. The granting of the variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.
- 3. Denial:** The Planning Commission may disapprove a variance based on staff error by specifically identifying non-compliance with the Unified Development Code.

RECOMMENDATION:

Staff reviewed the request and found it to be in conformance with the Unified Development Code (UDC) with exception of the Variance mentioned above. In regards to this Variance, staff does concur with the applicant's justification. Therefore, the Director of Transportation & Capital Improvements recommends approval of the Variance.