



City of San Antonio

Agenda Memorandum

File Number: 19-3584

Agenda Item Number: 9.

Agenda Date: 4/24/2019

In Control: Planning Commission

DEPARTMENT: Development Services

SUBJECT:

Mission Trails Commercial Enclave 180539

SUMMARY:

Request by James B. Griffin, Brown & Ortiz, P.C., to appeal an Administrative Exception Variance Request for Plat #180539 Mission Trails Commercial Enclave Subdivision, generally located at the intersection of IH-37 and Southeast Military Drive. Staff recommends Denial. (Jose Garcia, Planner, (210) 207-8268, jose.garcia4@sanantonio.gov, Development Services Department)

BACKGROUND INFORMATION:

Council District: 3
Filing Date: April 8, 2019
Owner: James B. Griffin, Brown & Ortiz, P.C.
Engineer/Surveyor: Kimley-Horn & Associates, Inc.
Staff Coordinator: Jose Garcia, Planner, (210) 207-8268

ANALYSIS:

Zoning:

“I-1” General Industrial District

Variance Request:

On November 26, 2018, the applicant requested a variance from Section 35-506 (a) (2) and (q) of the Unified Development Code (UDC). The Development Services Department, Engineering has objection to the granting of the variance as indicated in the attached report (**ATTACHMENT #**).

ALTERNATIVE ACTIONS:

Per State Law, Section, 212.009 and Unified Development Code (UDC), Section 35-432(d) the Planning Commission considers staff review of the variance request along with the plat.

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/>](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 not in conformance with the Unified Development Code (UDC). In regards to the Variance(s), staff does not concur with the applicant's justification. Therefore, the Director of Development Services recommends disapproval of the variance(s).