



City of San Antonio

Agenda Memorandum

File Number: 15-3423

Agenda Item Number: 7.

Agenda Date: 6/1/2015

In Control: Board of Adjustment

Case Number: A-15-096
Applicant: Brown and Ortiz PC
Owner: Jamro, LTD.
Council District: 10
Location: 12305 SW Loop 410
Legal Description: P 11A, P 12C, NCB 15069
Zoning: "UD AHOD" Urban Development Airport Hazard Overlay District
Case Manager: Margaret Pahl AICP, Senior Planner

Request

A request for a 1) variance from the development standards specific to the Urban Development District including block lengths and internal streets, building orientation, and buffers; and 2) a variance from the prohibition against gated access, as specified in Section 35-310.15, to allow a gated multi-family apartment complex served by private driveways with up to 322 units on a 17.3 acre parcel.

Executive Summary

The subject property is located near the Poteet Jordanton Freeway and Loop 410 in the Heritage South Sector Area, a planning document adopted in 2010. The 17-acre project is located in an under-developed section of the City and surrounded by other vacant land. Its only current access is on the Loop 410 freeway frontage road. The property was rezoned to "UD" Urban Development in 2003, soon after the district was created. The intent of the new zoning district was to require creation of a concept called *traditional neighborhood design*. This design includes an emphasis on the pedestrian experience, with sidewalks and street trees. The regulations dictate block lengths, garage locations, and maximum building setbacks.

The section titled multi-family residential is as follows:

Multi-Family Residential Uses. *Multi-family (apartment) units may be built on any "UD" district zoned property with the following limits:*

A. Multi-family units may be constructed along any major thoroughfare on the city's major thoroughfare plan, or main street or boulevard, as defined by this chapter at a density of thirty-three (33) units per acre.

B. Multi-family units may be constructed along a collector or avenue not to exceed a density of fifteen (15) units per acre.

C. The front entries of all ground floor multi-family units adjacent to a collector or arterial street

shall be oriented toward the street.

Because of this brief reference, the design team proceeded with a layout typical of most apartment complexes with a private internal circulation system, parking and buildings on the edges and amenities located in the middle. It wasn't until a discussion ensued about a conflict between a minimum 30 foot buffer conflicting with a maximum 25 foot building setback that staff identified the major design conflict. The "UD" zoning district regulates street and block design, anticipating a new neighborhood with a network of public streets. As the first development project in the area, the design requirements of the "UD" zoning district proved very challenging and the applicant decided to seek variances.

The applicant is also hoping to gain a variance to allow the project to be gated. Security can be a concern when a new project is isolated and surrounded by vacant land. The applicant is planning several amenities, such as playground equipment, barbeque grills and picnic tables. A pool and fitness center are also included in the design.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---|---------------------|
| "UD AHOD" Urban Development Airport Hazard Overlay District | Vacant |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|---|---------------------|
| North | "UZROW" Unzoned Right of Way | Loop 410 |
| South | "UD AHOD" Urban Development Airport Hazard Overlay District | Vacant |
| East | "C-2 AHOD" Commercial Airport Hazard Overlay District | Vacant |
| West | "UD AHOD" Urban Development Airport Hazard Overlay District | Vacant |

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Heritage South Sector Plan and designated as General Urban Tier Land Use. The subject property is not located within the boundaries of a registered neighborhood association.

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 is defined as the general health, safety, and welfare of the public. **In this case, these criteria are represented in the Heritage South Sector Plan and a goal for increased housing options. The recently adopted plan hoped for new investment and revitalization. The variances as requested would allow the project to proceed, consistent with the public interest.**

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

Staff finds that the special condition present in this case is the isolation of this parcel from other infrastructure, making compliance with the “UD” provisions for street connectivity an unnecessary hardship.

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

The intent of the UDC is to ensure that new development is compatible with surrounding development. In this case, surrounding development is scarce and the applicant has been awarded housing funds from the City to assist in the construction of this project. As such, the spirit of the ordinance is being observed.

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 “UD AHOD” Urban Development 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.*

The project will be the first character defining development within the area. Over 300 residential units are planned. Therefore, the new apartment complex will not negatively impact the character of the district.

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 is that the property is surrounded by vacant land, some of which is characterized as wetlands regulated by the Corps of Engineers. This is not merely financial and not caused by the applicant.

Alternative to Applicant’s Request

The applicant needs to redesign the project or rezone the property to come into compliance with the Unified Development Code.

Staff Recommendation

Staff recommends **APPROVAL** of **A-15-096** based on the following findings of fact:

1. The property is located in an undeveloped area with no existing infrastructure;
2. The requirement to build a network of streets is not feasible with wetlands to the west.