



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-4124

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 7/20/2015

**Title:** A-15-121: A request by Robert Brown for 1) a variance from the Arts and Entertainment zoning requirement that mandates that building facades be constructed parallel to the principal frontage line; 2) a 10 foot variance from the maximum 10 foot front setback to allow an office building to be located 20 feet from the front property line; 3) a variance for the elimination of the required pedestrian walkway improvement; 4) a variance from the requirement that all parking be screened to allow parking visible from the right of way and 5) a 2 foot variance from the maximum 4 foot fence height to allow a 6 foot wrought iron fence in the front yard, located at 3067 E. Commerce Street. (Council District 2)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-15-121 legis

Date	Ver.	Action By	Action	Result
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**Case Number:** A-15-121

**Applicant:** Robert Brown

**Owner:** UniFirst Holdings, L.P.

**Council District:** 2

**Location:** 3067 E Commerce Street

**Legal Description:** Lot 16, Block 1, NCB 10233

**Zoning:** "AE-3 S EP-1" Arts and Entertainment Facility Parking/Traffic Control District with a Specific Use Authorization for a Laundry Facility

**Case Manager:** Margaret Pahl AICP, Senior Planner

### Request

A request for 1) a variance from the Arts and Entertainment (A & E) zoning requirement, as described in 35-358 (c) 2 A. that mandates that building facades shall be constructed parallel to the principal frontage line; 2) a 10 foot variance from the maximum 10 foot front setback, as described in 35-358 (f) 3 A. to allow an office building to be located 20 feet from the front property line; 3) a variance from the requirement that all parking be screened, as described in 35-358 (f) 3 E. to allow parking visible from the right of way; 4) a variance from provisions described in 35-358 (f) 3 D. to allow the elimination of the required pedestrian walkway improvements; and 5) a 2 foot variance from the maximum 4 foot fence height, as described in 35-514 (d) to allow a 6 foot wrought iron fence in the front yard.

### Executive Summary

The subject property is a 7.7 acre parcel that was previously lots within the Elliot Industrial Subdivision,

recorded in 1954 when East Commerce was also known as Highway 90. The industrial laundry facility, then known as Texas Industrial Laundry has been in operation at this location continuously since 1967. UniFirst, the current owner/applicant purchased the business in 1986. Founded in Massachusetts in 1936, UniFirst Corporation has grown to become one of the largest providers of workplace uniforms, protective clothing, and facility services products in North America. The Company employs more than 12,000 Team Partners who serve more than 275,000 customer locations in 45 U.S. states, Canada, and Europe from over 225 customer service, distribution, and manufacturing facilities.

The local operation is conducted from several existing buildings within the campus. In 2012, the company renovated and expanded its laundry operation to the west, updating an old warehouse building with nearly 70,000 square feet, consistent with the design requirements of the Arts & Entertainment District. This building includes the industrial component of the operation; the office support team is located in another building nearby. The old office building, constructed in 1968, is no longer able to provide the needed space for this growing company.

UniFirst decided to make San Antonio its Southwest Regional Headquarters and needs to add approximately 30,000 square feet of office space, while maintaining their regional support operations. The existing office building, in its current location, does not allow the proposed new office building to be constructed consistent with the A & E orientation and maximum setback requirements making the first 2 variances necessary. In order to construct the new building while allowing existing office operations to continue uninterrupted, the location and orientation of the proposed building requires these 2 variances.

After construction of the new 2-story building to the east of the existing office building, the old office building will be demolished and replaced with employee parking, visible from the right way, triggering the need for another one of the variances. The last two variances relate to access to the business. This business is not open to the public and the owners prefer to keep their site secure by limiting access to employees and invited vendors. As such, the applicant is requesting a variance from the mandatory pedestrian access and the limited front fence height to allow the installation of a 6 foot wrought-iron fence and locked gate system.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“AE-3 S EP-1” Arts and Entertainment Facility Parking/Traffic Control District with a Specific Use Authorization for a Laundry Facility	Industrial Laundry/Regional Offices

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“AE-3 EP-1” Arts and Entertainment Facility Parking/Traffic Control District	Undeveloped land
South	“AE-3 EP-1” Arts and Entertainment Facility Parking/Traffic Control District	Convenience store/Gas
East	“AE-3 S EP-1” Arts and Entertainment Facility Parking/Traffic Control District with a Specific Use Authorization for Beverage Manufacturing	Beverage Manufacturing

West	"L-EP-1" Light Industrial Facility Parking/ Traffic Control District	Vacant Industrial
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### **Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the Arena District/Eastside Community Plan and currently designated as Mixed Use in the future land use component of the plan. The subject property is located within the boundaries of the Jefferson Heights registered neighborhood associations. As such, they were notified and asked for comment.

### **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, the public interest is represented by the guidelines adopted for the A & E zoning district. In this district, first created in 2008, the City tried to respect the industrial nature of existing uses, while providing enhanced design requirements for the eventual redevelopment of the area. **The applicant has shown a long-term commitment to the neighborhood and is making on-going investments on the property. Each project within the property enhances the entire area, consistent with the goals of the district. The new offices will further enhance the streetscape, but require the above listed variances to allow the facility operations to continue during construction. Therefore, the variances are not contrary to the public interest.**

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

The circumstance present on the subject property is that the facility employs hundreds of people and provides technical support throughout the region. The existing office building was built in 1968 and has become obsolete, but needs to remain operational during construction. The site has room for the proposed new office building, and the applicant is hoping to begin construction within the next few months. This available location cannot satisfy some of the design requirements of the A & E district, triggering the need for the requested series of variances. A literal enforcement of the ordinance would result in an unnecessary hardship.

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

The variance process was created to address those unique situations for which the minimum standards are particularly challenging. **If the applicant were able to build the new office parallel to the frontage, they would. The proposed building exceeds the design requirement for windows on each of the facades. Additionally, the applicant is reconstructing and re-landscaping the frontage, observing the spirit of the ordinance.**

*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 "AE-3 S EP-1" Arts and Entertainment Facility Parking/Traffic Control District with a Specific Use Authorization for a Laundry Facility.**

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.*

**Because the A & E district regulations are relatively new compared to the age of the structures in the area, most of the buildings are non-conforming to the design requirements. There have been recent investments and the area is in transition. The requested variances will not injure adjacent property or alter the essential character.**

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 existing office building is home to the southwest regional staff support team and the technological support infrastructure for 22 other industrial laundry facilities in 12 other states. These functions have to be protected during construction of the new office building, making the compliance with selected provisions of the A & E district impossible to achieve.**

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

Without the A & E variances, the applicant must demolish the existing building losing all function during the 1 year construction of the new compliant office building.

#### **Staff Recommendation**

Staff recommends **APPROVAL of A-15-121** based on the following findings of fact:

1. The facility operations must function during construction; and
2. The office building enhances the overall image of the neighborhood and improves the streetscape.