



City of San Antonio

Legislation Details (With Text)

File #: 18-1188
Type: Zoning Case
In control: Board of Adjustment
On agenda: 1/8/2018
Title: A-18-026: A request by Paul D. Easley for 1) a 25 foot variance from the 50 foot front setback along Highway 151 to allow the setback to be 25 feet and 2) a variance from the requirement that landscape bufferyards within the "GC-2" Overlay contain canopy trees to allow a landscaped bufferyard containing only native grass and wildflowers and 3) a variance from the "GC-2" bufferyard standards that require a fence be located on the building side of the landscaped bufferyard to allow a fence on the property line and 4) a variance from the "GC-2" requirement that uses shall be completely screened from view at ground level at a minimum of six feet to allow the use of chain link fencing, located in the 9800 block of West Commerce Street. Staff recommends Approval. (Council District 6)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-18-026 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-18-026
Applicant: Paul D. Easley
Owner: Southwest Research Institute
Council District: 6
Location: Located in the 9800 block of West Commerce Street
Legal Description: Lot 3, Lot PT of P-7 ARB P-7E, Lot P-9, The North 19.47 Feet of the South 132 Feet of Lot 2, Lot 4, Lot PT of P-7 ARB P-7F, Block 58, NCB 15331
Zoning: "I-1 GC-2 AHOD" General Industrial Highway 151 Gateway Corridor Overlay Airport Hazard Overlay District
Case Manager: Logan Sparrow, Principal Planner

Request

A request for variances from the following "GC-2" Highway 151 Gateway Corridor Overlay District design guidelines: 1) a 25 foot variance from the 50 foot front setback along Highway 151 to allow the setback to be 25 feet and 2) a variance from the requirement that landscaped bufferyards within the "GC-2" overlay contain canopy trees to allow a landscaped bufferyard containing only native grass and wildflowers and 3) a variance from the bufferyard standards that require a fence be located on the building side of the landscaped bufferyard to allow a fence on the property line and 4) a variance from the requirement that uses shall be completely screened from view at ground level at a minimum of six feet to allow the use of chain link fencing.

Executive Summary

The subject property is located in the 9800 block of West Commerce Street. The property owner is in the early stages of building a large-scale solar farm on the subject property. The uniqueness of the development is at odds with four provisions of the “GC-2” Highway 151 Gateway Corridor Overlay District. The applicant is seeking variances to maximize the efficiency of the proposed solar farm, and to make the site more visible to passersby.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“I-1 GC-2 AHOD” General Industrial Highway 151 Gateway Corridor Overlay Airport Hazard Overlay District	Vacant, Proposed Solar Farm

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“I-1 GC-2 AHOD” General Industrial Highway 151 Gateway Corridor Overlay Airport Hazard Overlay District	Research Laboratory
South	“I-1 GC-2 AHOD” General Industrial Highway 151 Gateway Corridor Overlay Airport Hazard Overlay	Vacant
East	“R-6 GC-2 AHOD” Residential Single-Family Highway 151 Gateway Corridor Overlay Airport Hazard Overlay District	Vacant
West	“I-1 GC-2 AHOD” General Industrial Highway 151 Gateway Corridor Overlay Airport Hazard Overlay District	Electrical Supply Contractor

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the West/Southwest Sector Plan and currently designated Specialized Center in the future land use component of the plan. The subject property is not located within the boundaries of any 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 first variance the applicant is seeking is to reduce the required setback from 50 feet to 25 feet. While the majority of the solar farm will meet the 50 foot setback, there are several pinch points where solar arrays will be as near as 25 feet from the front property line. The requested 25 foot setback lines up with the required 25 foot landscaped bufferyard.

The corridor design guidelines require that landscaped bufferyards utilize canopy trees. The applicant is

seeking a variance and asking to use only native grasses and wildflowers, as they are concerned that tree canopy will interfere with solar panels, reducing the efficiency of the site.

The third variance seeks to permit the fence on the property line, rather than behind the landscaped bufferyard. The variance is requested to ensure that there is ample room for maintenance of the solar panels, without the fence getting in the way.

The fourth variance request seeks to allow a chain link fence, with barbed wire, rather than a brick, stucco, or cement wall. The proposed fencing is required to comply with the National Electric Code, Section 110.31, which requires barbed wire around electrical installations with voltages over 600V. As the property will be a government facility, the use of barbed wire is permitted, pursuant to Section 35-514 of the Unified Development Code. Staff finds that the requests are not contrary to the public interest.

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

The special condition present in this case is the type of development. The design guidelines are intended to shape development along the corridor. Those design guidelines, when applied to a solar farm, result in unnecessary hardships. The applicant has designed a site plan that honors the intent of the corridor design requirements.

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

The spirit of the ordinance is the intent of the code, rather than the strict letter of the law. The intent of the code is to require certain design standards to enhance the corridor along Highway 151. The applicant is not seeking to eliminate any requirement, but to modify a setback, and to authorize a different landscaped bufferyard planting scheme.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

The variances will not authorize the operation of a use other than those uses specifically authorized by the “I-1 GC-2 AHOD” General Industrial Highway 151 Gateway Corridor Overlay 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.*

All adjacent property is either vacant or already separated by Right-of-Way. The entire block is currently undeveloped, and it’s difficult to establish how the requested variances, or the proposed development, would detract from the essential character of the district in which it is located.

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 plight of the owner is not merely financial in nature. The applicant is seeking variances to allow for the development of a solar farm. Applying all of the design standards to such a unique use often creates points of conflict, and the applicant has compiled a site plan that is sensitive to the intent of the corridor overlay district, while still allowing the project to proceed.

Alternative to Applicant's Request

The applicant would need to adhere to all of the standards in the "GC-2" Highway 151 Gateway Corridor Overlay District.

Staff Recommendation

Staff recommends **APPROVAL in A-18-026** based on the following findings of fact:

1. The site plan and variance requests still observe the intent of the code; and
2. It is unlikely that adjacent property will be harmed, nor will the essential character of the community be compromised.