



City of San Antonio

Agenda Memorandum

File Number:16-1069

Agenda Item Number: 3.

Agenda Date: 1/11/2016

In Control: Board of Adjustment

Case Number: A-16-025
Applicant: Danny Watson
Owner: Chickencoop, LLC
Council District: 2
Location: 5630 Walzem Road
Legal Description: Lot 9, NCB 15894
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District
Case Manager: Logan Sparrow, Senior Planner

Request

A request for a ten foot variance from the minimum ten foot bufferyard, as described in Table 35-510-1, along 70 percent of the frontage, to allow no bufferyard along Walzem Road.

Executive Summary

The applicant is developing a restaurant on a pad-site along Walzem Road. Because the zoning on the property is "C-2" Commercial District, and fronts along a minor arterial, a Type A bufferyard, requiring a ten foot depth, must be established. The applicant states that the site plan has been designed to account for all of the planting requirements. Private restrictions mandate that the development provide for more parking spaces than what the city requires. In this case, the Unified Development Code requires that 70 parking spaces be provided. However, private deed agreements require the development to provide 90 parking spaces, well above what is required for a restaurant. The required ten foot bufferyard is provided along 70 feet of the 234 foot frontage, equaling about 30 percent of the frontage. The applicant is seeking a variance to eliminate the ten foot depth along the remaining 70 percent of the Walzem Road frontage.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---|-----------------------------|
| "C-2 AHOD" Commercial Airport Hazard Overlay District | Vacant, proposed restaurant |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|-----------------------------|--------------|
| North | UZROW | Walzem Road |

| | | |
|-------|--|-----------------|
| South | "C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District | Retail |
| East | UZROW | Parkcrest Drive |
| West | "C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District | Restaraunt |

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Camelot 1 Neighborhood Plan and currently designated Business Park in the future land use component of the plan. The subject property is not located within the boundaries of any neighborhood association.

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 minimum bufferyard requirements to provide for uniformity and beautification on our urban streetscapes. The applicant has provided the required depth along only 30 percent of the Walzem Road frontage and is seeking to eliminate 100 percent of the bufferyard along the remaining 70 percent of the frontage. The private restrictions mandating additional parking, well above traditionally accepted minimum standards, should not exempt the development from establishing a bufferyard that enhances the streetscape. Staff finds that the elimination of the bufferyard along 70 percent of the Walzem Road frontage is contrary to the public interest.

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

Staff is aware that there are private deed restrictions that mandate that the proposed development must provide parking beyond what is required by UDC standards. Those parking requirements, which mandate nearly a 26 percent increase over UDC requirements, are not enforced by the City. The Type A bufferyard is already the smallest bufferyard required by the UDC. Staff does not find that deed restrictions requiring substantially more parking than necessary constitute a special condition that warrants the elimination of the bufferyard along 70 percent of the frontage.

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

Granting the requested variance will not result in substantial justice as the majority of the project's frontage will have no buffering at all. This does not serve the public's interest and will not result in substantial justice.

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 "C-2 AHOD" Residential Single-Family 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.

Bufferyards are meant to provide for screening and to add to the quality of our urban streetscapes. As the subject property is located along Walzem Road it acts as the entrance to the retail-oriented plaza behind it.

Providing no buffer will detract from the character of this development.

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.

Staff was unable to find a unique circumstance present in this case to qualify the property to be granted a variance to eliminate the bufferyard along 70 percent of the frontage.

Alternative to Applicant's Request

The applicant could re-design the site plan to provide some buffering along all of the frontage, even at a reduced depth.

Staff Recommendation

Staff recommends **DENIAL of variance request in A-16-025** based on the following finding of fact:

1. The private agreement, which is not enforced by the City, does not exempt the project from the bufferyard requirements.