



City of San Antonio

Agenda Memorandum

File Number:16-2363

Agenda Item Number: 2.

Agenda Date: 4/4/2016

In Control: Board of Adjustment

Case Number: A-16-059
Applicant: Richard Peacock
Owner: Rafter Properties, LLC
Council District: 2
Location: Generally located in the 700 block of Seguin Street
Legal Description: Lot 17, Block 4, NCB 1196
Zoning: "C-2 EP-1" Commercial Facility Parking/Traffic Control District
Case Manager: Kristin Flores, Planner

Request

A request for a 51 percent reduction of the required Type E, 30 foot deep bufferyard, as described in 35-510, to allow a commercial development with 49 percent of the required bufferyard along the west property line.

Executive Summary

The subject property is located just off Interstate 35 Frontage Road between Roper Street and Lauren Street. This area is largely vacant and the majority of the properties are zoned for industrial uses. The applicant is re-developing a vacant lot into a Taco Bell, but due to the narrow lot configuration and the irregular shape of the lot is unable to meet all of the development regulations. The applicant is seeking a 51% reduction in the required Type E bufferyard.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---|------------------------|
| "C-2 EP-1" Commercial Facility Parking/Traffic Control District | Single-Family Dwelling |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|---|------------------|
| North | UZROW | Seguin Street |
| South | UZROW | Dignowity Avenue |
| East | "C-2 EP-1" Commercial Facility Parking/Traffic Control District | Vacant Lot |

| | | |
|------|--|------------------------|
| West | "I-2 EP-1" Heave Industrial Facility Parking/Traffic Control District | Single-Family Dwelling |
|------|--|------------------------|

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Government Hill Neighborhood Plan and currently designated Community Commercial in the future land use component of the plan. The subject property located within the Government Hill Neighborhood Association. As such, the neighborhood association was notified and asked to 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, these are represented by requiring bufferyards to beautify our urban streetscapes and to provide landscaped separation from incompatible uses. The public interest is also represented by minimum parking requirements. If the bufferyard was established the commercial development would lose a majority of their parking spaces, pushing the development out of compliance with the parking requirements. This would not serve the public interest.

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

The special condition in this case is the narrow width and irregular shape of the lot. The new construction must comply with all required setbacks and current development standards limiting the ability to provide the full buffer yard. The applicant has a landscape plan to provide 49% of the required Type E bufferyard.

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

The spirit of the bufferyard requirements, in this case, aims to beautify our urban streetscapes. The applicant has designed a site plan to meet setbacks and parking requirements. Staff finds the proposed landscape plan, which provides 49% of the required bufferyard, meets 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 "C-2 EP-1" Commercial Facility Parking/Traffic Control 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.

This bufferyard does not separate incompatible uses, but rather seeks to add a natural aesthetic to the Seguin Street frontage. It is unlikely that eliminating this bufferyard requirement would injure adjacent properties. Further, lots in this neighborhood are largely vacant industrial lots that abut Interstate 35 Frontage Road. As such, staff finds that the reduction of this bufferyard would not alter 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 unique circumstance in this case is the narrow lot width and irregular lot shape. These are not the fault of the owner and are not merely financial in nature.

Alternative to Applicant's Request

The applicant would have to redesign the site plan to meet the bufferyard requirements, as described in 35-510.

Staff Recommendation

Staff recommends **APPROVAL of variance request in A-16-059** based on the following findings of fact:

1. The subject property is an irregularly shaped lot with a narrow width; 2. If the applicant provided the required bufferyard along the Seguin Street they would lose a majority of their parking spaces, placing them out of compliance with the parking requirements; 3. The applicant's landscape plan to provide 49% of the required landscape buffer meets the spirit of the code.