



City of San Antonio

Agenda Memorandum

File Number:16-3219

Agenda Item Number: 13.

Agenda Date: 5/25/2016

In Control: Planning Commission

DEPARTMENT: Transportation & Capital Improvements

SUBJECT:

Drainage Easement for Floodplain

SUMMARY:

FPV 16-004 Request by EVC Texas GP, L.C., for approval of a variance request associated with a drainage easement to contain the 1% Annual Chance Flood Hazard Area for a commercial tract at 6514 N New Braunfels. Staff recommends Approval. (Jacob Powell, Senior Engineer, (210) 207-0176, Jacob.Powell@sanantonio.gov, TCI Department)

BACKGROUND INFORMATION:

Council District:	District 10 - San Antonio
Filing Date:	May 9, 2016
Owner:	Luke R Spellmeier.
Engineer/Surveyor:	KFW, Engineers
Staff Coordinator:	Jacob Powell, Senior Engineer, (210) 207-0176

ANALYSIS:

Variance Request:

One May 09, 2016, the applicant requested a variance from Appendix H Section 14.3.2 of the Unified Development Code (UDC). The TCI Department, Floodplain Management Division has no objection to the granting of the variance as indicated in the attached report (**ATTACHMENT #1**).

Drainage Easement:

The subject site is inundated with the 1% annual chance flood hazard area, and this area is required to be contained within a drainage easement. The proposed building, as per building permit AP#2129983, encroaches into the flood hazard area. A proposed drainage easement will contain the 1% annual chance flood hazard area with the exception of the footprint of the proposed building that encroaches into the flood hazard area.

Aquifer Review:

The subject property is not located within the Edwards Recharge Zone.

ALTERNATIVE ACTIONS:

Plat consideration **without** a Variance:

- Per State Law, Section, 212.009 and Unified Development Code, Section 35-432(e) the Planning Commission must approve Plats that conform to the Code.

Plat consideration **with** a Variance:

- Per State Law, Section, 212.009 and Unified Development Code (UDC), Section 35-432(d) the Planning Commission considers staff review of the variance request along with the plat.
- In accordance with UDC 35-483 the Planning Commission shall render a written finding of the variance by approving, denying, or approving with conditions.
 1. **Approve with conditions:** In granting variances, the commission may impose such reasonable conditions as will ensure that the property will be as compatible as practical with the regulations and surrounding properties.
 2. **Approval criteria:** The planning commission may grant variances if it concludes that strict compliance with regulations would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of these regulations will be observed, public safety and welfare secured, and substantial justice done. The planning commission may grant a variance only if it finds that:
 1. The proposed variance will not be contrary to the spirit and intent of this code and the regulations from which the variance is requested and the proposed variance complies with all other applicable standards of subsection [35-432](https://www.municode.com/library/35-432) [35-432](https://www.municode.com/library/35-432) (e) to the extent practicable; and
 2. The hardship relates to the applicant's land, rather than personal circumstances; and
 3. The hardship is not the result of the applicant's own actions and that the applicant has taken all practicable measures to minimize any adverse impacts on the public health, safety and public welfare;
 4. Under the circumstances, the public interest underlying the proposed variance outweighs the public interest underlying the particular regulation for which the variance is granted; and
 5. The granting of the variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.
 3. **Denial:** The Planning Commission may disapprove a variance based on staff error by specifically identifying non-compliance with the Unified Development Code.

RECOMMENDATION:

Staff reviewed the request, and found it to be in conformance with the Unified Development Code (UDC) with exception of the Variances mentioned above. In regards to these Variances, staff does concur with the applicant's justification. Therefore, the Director of Development Services/and TCI recommends approval of the variances.