



City of San Antonio

Agenda Memorandum

File Number:16-5153

Agenda Item Number: 5.

Agenda Date: 10/3/2016

In Control: Board of Adjustment

Case Number: A-16-155
Applicant: James Day
Owner: James Day
Council District: 10
Location: 1916 Austin Hwy
Legal: Lot 19, NCB 12172
Description:
Zoning: "C-2 S MC-3 AHOD" Commercial Austin Highway/Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District with Specific Use Authorization for a bar
Case Manager: Margaret Pahl, AICP, Senior Planner

Request

A request for 1) a variance from the minimum 200 foot distance from residentially zoned property, described in UDC 35-399, to allow a food truck court within 200 feet of residentially zoned property; and variances from the "MC-3" corridor overlay provisions, described in UDC 35-339 to include 2) a 2 foot variance from the maximum 4 foot front fence height; 3) a variance from the required building materials to allow metal buildings; 4) a variance from the requirement that dumpsters be screened with masonry materials to allow wood screening.

Executive Summary

The subject property is approximately 3.5 acres, located adjacent to the Salado Creek Greenway and Austin Highway. In 2014, the property owner was granted a rezoning from both residential and commercial to "C-2" with specific use authorization for a bar on one acre and conditional use approval for oversize vehicle storage on the remaining 2.5 acres. The specific use authorization for a bar was shown on the approved site plan as a food truck court. A new owner is now ready to implement the plan. The supplemental regulations for food truck courts require a minimum 200 foot distance from any residentially zoned property, but in this case, the residential property is part of the greenway and will never be improved with homes.

The owner's design scheme includes an Airstream Trailer as the bar and other metal containers as support structures, such as restrooms and an office. The design standards of the Austin Highway Metropolitan Corridor Overlay "MC-3" only allow metal as an accent material, limiting it to no more than 25% of each elevation. The approved building materials list includes earth-tone masonry, brick, block and stucco. The applicant is seeking a variance from these standards to allow the all metal design. In addition, since the design does not include

stone, the applicant is seeking a variance to allow a wooden dumpster enclosure. Finally, the applicant is seeking approval to install a 6 foot fence surrounding the site. With its location so close to the greenway, the enhanced security may be necessary.

Both the supplemental regulations regarding food truck courts and the specific design standards of the “MC-3” corridor overlay envisioned permanent investments in new businesses. A new food truck court must include permanent restrooms, customer parking and an all-weather surface for the food trucks. The proposed design conflicts were immediately brought to the owner’s attention during a preliminary plan review meeting, scheduled prior to building permit submission.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-2 S MC-3 AHOD” Commercial Austin Highway/Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District with specific use authorization for a bar	Proposed food truck court

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 R PUD MC-3 AHOD” General Commercial Restrictive Alcohol Sales Planned Unit Development Austin Highway/Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District	Salado Creek Greenway
South	“C-2 CD MC-3 AHOD” Commercial Austin Highway/Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District, with conditional use for oversize vehicle storage	Vacant
East	“C-2 MC-3 AHOD” Commercial Austin Highway/Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District	Austin Highway Event Center
West	“R-5 MC-3 AHOD” Residential Single-Family Austin Highway/Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District	Park/Trails

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the San Antonio International Airport Vicinity Plan and currently designated Community Commercial in the future land use component of the plan. The subject property is not located within the boundaries of any 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 public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by the proposed fencing, making the food truck court a safe family gathering spot. In addition, since the minimum 200 foot distance requirement was established to protect the quiet enjoyment of outdoor residential spaces, a variance to that spacing will not be contrary to the public interest. The applicant is requesting approval to use metal as a primary building material, with an Air Stream Trailer as the central focal point. The other metal buildings, if the variance is granted, will still have to be compatible with 2015 International Building Code, consistent with the public interest.

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

Literal enforcement of some of the codes in this case would result in an unnecessary hardship. There is no value gained by the 200 foot separation in that the residentially zoned property is part of the City's park system. In addition security fencing, especially near public open spaces, has been shown to be necessary. The request to modify the list of approved building materials to allow metal may be considered an unnecessary hardship.

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

The spirit of the ordinance will be respected in that the intent for separation from residential is a noise related goal. In this case, residential use will never be established on park land. The intent of the fencing regulations is to provide safety while preserving visibility, which in this case will be satisfied. The spirit of the approved building materials is to encourage compatible re-development of this previously vital commercial corridor. The proposed vintage theme may observe the spirit.

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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the "C-2 S MC-3 AHOD" Commercial Austin Highway/Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District with Specific Use Authorization for a bar.

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.

The requested variances will not alter the essential character of the district, which is a diverse array of uses established from the 1950's until today. The Air Stream and metal buildings could contribute to this vintage theme.

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 applicant is the owner of an Air Stream trailer and hopes to create a food truck court with the trailer as its focal point. This is unique and not merely financial.

Alternative to Applicant's Request

Without the requested variances, the site plan approved by the City Council would not be buildable.

Staff Recommendation

Staff recommends **APPROVAL of the requested variances in A-16-155** based on the following findings of fact:

1. The proposed use was approved by the City Council through a Specific Use Authorization; and
2. The vintage theme is proposed with an Air Stream Trailer as the focal point.