



City of San Antonio

Agenda Memorandum

File Number:17-3859

Agenda Item Number: 1.

Agenda Date: 6/19/2017

In Control: Board of Adjustment

Case Number: A-17-123
Applicant: Charles Pope
Owner: GEN2 Development, LLC
Council District: 10
Location: 11711 O'Connor Road
Legal: Lot 24, NCB 15911
Description:
Zoning: "I-1 IH-1 AHOD" Industrial Northeast Gateway Corridor
Airport Hazard Overlay District
Case Manager: Margaret Pahl, AICP, Senior Planner

Request

A request for 1) a variance from the provision requiring 50% glass on the front facade; 2) a variance from the design standards to allow metal as an accent building material; 3) a 3 foot variance from the minimum 10 foot rear bufferyard and 4) a variance from the IH-1 pedestrian route landscaping, each as described in UDC 35-339.01 regarding Gateway Corridors.

Executive Summary

The property is located on O'Connor Road, west of its intersection with Interstate 35 North and within the boundaries of the Northeast Gateway Corridor Overlay District. The site is a former car wash, however it is being proposed for re-development as a Taco Bell restaurant. The site is actually 500 feet from the Interstate 35 right of way, which is lowered 30 feet below the O'Connor Road overpass. An existing restaurant and hotel block the site visibility from the frontage road. The site includes approximately 27,000 square feet of lot area, in an awkward shape along a drainage ditch. The applicant is requesting several variances to allow a 2,250 square foot Taco Bell restaurant to be constructed on the site. Though the building will be similar to other Taco Bell restaurants, it cannot satisfy the percentage of windows required on the front facade. The building is oriented toward the parking lot, with the drive-through window and kitchen on the street facing façade. The mechanical code requiring energy efficient construction conflicts with this standard as well.

In addition, metal is part of their new corporate branding and requires a variance in this overlay district. Years ago, when these standards were drafted, metal was used very little in retail and food service construction. More recently, it is being used as a common, contemporary accent material. The overlay district also requires a 10 foot wide pedestrian pathway that is separated from parking and driveways by landscaping. The owner is constructing new public sidewalk, but is requesting approval to allow the internal five foot wide sidewalk to

cross the driveway.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"I-1 IH-1 AHOD" General Industrial Northeast Gateway Corridor Airport Hazard Overlay District	Car Wash/Proposed Restaurant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"I-1 IH-1 AHOD" General Industrial Northeast Gateway Corridor Airport Hazard Overlay District	Oil Change
South	"I-1 IH-1 AHOD" General Industrial Northeast Gateway Corridor Airport Hazard Overlay District	Hotel
East	"C-3 IH-1 AHOD" General Commercial Northeast Gateway Corridor Airport Hazard Overlay District	Texas Health and Human Services
West	"I-1 IH-1 AHOD" General Industrial Northeast Gateway Corridor Airport Hazard Overlay District	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the North Sector Plan and designated as Regional Center in the future land use component of the plan. The subject property is not located within the boundaries of a 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.*

In this case, the public interest is represented by design requirements to enhance gateway corridors. Since this property is not visible from the Interstate, the variances as requested 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 distance from the corridor and the buildings blocking the view of this location from the frontage road. Therefore, literal enforcement of the ordinance would result in 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 is to beautify the view of the traveling public along gateway corridors.

Therefore, since this project is not visible from the highway, the variances do not conflict with the purpose of the code.

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 “I-1 IH-1 AHOD” General Industrial Northeast Gateway Corridor 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.

The proposed Taco Bell Restaurant will provide an attractive reuse and the requested variances do not alter the essential character of the surrounding industrially zoned properties.

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 “IH-1” gateway corridor design requirements impose significant design constraints on properties such as this that are removed from the freeway frontage.

Alternative to Applicant’s Request

The applicant would need to construct to meet the “IH-1” corridor design standards.

Staff Recommendation

Staff recommends **APPROVAL of the requested variances in A-17-123** based on the following findings of fact:

1. The site is 500 feet from the freeway and not visible from the frontage road.
2. The freeway is below grade here to accommodate traffic on O’Connor Road overpass.