



# City of San Antonio

## Agenda Memorandum

**File Number:**17-6084

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**Agenda Item Number:** 7.

**Agenda Date:** 11/6/2017

**In Control:** Board of Adjustment

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**Case Number:** A-17-203  
**Applicant:** Patrick W. Christensen  
**Owner:** Prince Sameer, Ltd  
**Council District:** 8  
**Location:** 17815 La Cantera Parkway  
**Legal:** Lot 3, Block 3, NCB 14747  
**Description:**  
**Zoning:** "MPCD MLOD-1 AHOD ERZD" Master Planned  
Community Camp Bullis Military Lighting Overlay Airport  
Hazard Overlay Edwards Recharge Zone District  
**Case Manager:** Logan Sparrow, Principal Planner

### Request

A request for an 83 foot variance from the 136 foot distance requirement, as described in Section 35-345(k)(1), to allow a new development to be 53 feet from an adjacent condominium property.

### Executive Summary

The subject property is located southeast of the intersection of La Cantera Parkway and Worth Parkway, within *The Rim* development. The current owner of the property is proposing to build two hotels on the subject property, up to five stories in height (76 feet). The required setbacks within the Master Planned Community District (MPCD) are determined based upon the height of the proposed development in relation to its distance from single-family uses, which in the definition of single-family uses in the MPCD, include condominiums. The property would be allowed three stories totaling 40 feet in height without a variance. The adjacent single-family use is not a traditional, detached neighborhood, but rather a five story condominium building called *The Ricchi*. The applicant is seeking a variance to allow the hotels to be as near as 53 feet from the shared property line. If approved, the building to building distance will be approximately 160 feet.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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"MPCD MLOD-1 AHOD ERZD" Master Planned Community Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Proposed Hotels
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### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"MPCD MLOD-1 AHOD ERZD" Master Planned Community Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Leon Creek
South	"MPCD MLOD-1 AHOD ERZD" Master Planned Community Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Retail Store
East	"MPCD MLOD-1 AHOD ERZD" Master Planned Community Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Condominium Building
West	"MPCD MLOD-1 AHOD ERZD" Master Planned Community Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Fitness Center

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is within the boundaries of the North Sector Plan and currently designated Mixed Use Center in the future land use component of the plan. The subject property is not within 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 represented by setbacks to provide separation between incompatible uses and to ensure fair and equal access to air and light. The purpose of the required setback within the MPCD regulations is to protect adjacent single-family uses. Staff finds that the intention was to provide ample separation between a commercial or multi-family development within a Master Planned Community District and a single-family home, less so for a five story condominium building. As the proposed development is the same height as the condo building, and because there will be nearly 160 feet of distance between the two structures, staff finds that the request is 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 in this case is the type of adjacent single-family development. While condominiums are single-family uses, they are not the traditional single-family, detached construction typically afforded strict single-family protections. The required setback within the MPCD is substantial, and staff finds that it was intended to provide ample separation between detached single-family uses and intense commercial**

developments. Staff finds that a literal enforcement of the ordinance would result in unnecessary hardship, as it would render nearly half of the lot undevelopable, despite the proposed building being equal in height with the adjacent single-family use.

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 the intent of the requirements rather than the strict letter of the law. The intent of the setback is to provide sufficient separation between incompatible uses. As the distance, structure to structure, proposed by the applicant is about 160 feet, staff finds that the intent of the ordinance is upheld.**

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 "MPCD MLOD-1 AHOD ERZD" Master Planned Community Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone 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 hotel height is identical to that of the condominium building, and because the two structures will be 160 feet apart, staff finds that the adjacent property is unlikely to be harmed by the proposal.**

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 present in the case is the type of adjacent single-family use. While condominiums are classified as single-family, their layout does not lend itself to the same need for substantial setbacks. The proposed hotels will not tower over them, as the condominium is just as tall as the proposed hotel.**

#### **Alternative to Applicant's Request**

Denial of the variance request would result in the owner having to meet the required 136 foot setback.

#### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variance in A-17-203**, based on the following findings of fact:

1. The proposed hotel is just as tall as the adjacent single-family use, and;
2. There will still be 160 feet separating the two structures.