



City of San Antonio

Agenda Memorandum

File Number:19-8478

Agenda Item Number: 30.

Agenda Date: 11/13/2019

In Control: Planning Commission

DEPARTMENT: Development Services

SUBJECT:

Appeal of Staff Decision to Deny a Request for a Certificate of Determination

SUMMARY:

A request by Kaufman & Killen, Inc. to appeal the staff denial of a Certificate of Determination UDC 35-430 (c) Plat Exception request for a proposed commercial structure to be located at 21845 and 21875 Scenic Loop Road. Staff recommends Denial. (Zenon Solis, Principal Planner, (210) 207-7796, zenon.solis@sanantonio.gov, Development Services Department)

BACKGROUND INFORMATION:

Outside City Limits:	COSA ETJ
Filing Date:	October 29, 2019
Applicant/Representative:	Kaufman & Killen, Inc.
Staff Coordinator:	Zenon Solis, Principal Planner, (210) 207-7796

ANALYSIS:

On February 27, 2019 staff received a Certificate of Determination (COD) application for a proposed commercial barn to be used for wedding venues. At the time the subject property had two existing single family residential homes and was requesting the (COD) to add the commercial structure. Since the property has never been platted, Bexar County and CPS Energy require an approved and recorded plat or a plat exception which is covered under UDC 35-430 (c) Plat Exceptions. At the time of review staff determined that the project qualified under plat exception fifteen (15). Plat exception 15 requires confirmation of five (5) years of prior electrical services which was verified using the existing residential electrical service. However, exception 15 can only be used for water and sewer services to existing structures. Therefore, staff incorrectly issued a COD approving the new commercial request using Section 35-430(c)(15).

The applicant using the COD applied for permits with Bexar County for the construction of the project. Permits were then approved and during tree inspections in September the City determined the COD was incorrectly issued. Due to the error the applicant is now requesting an appeal of staff decision to reissue the Certificate of Determination and allow the project to move forward.

ALTERNATIVE ACTIONS:

The Planning Commission may approve the requested appeal or it may deny the requested appeal.

RECOMMENDATION:

Staff recommends denial of the requested appeal to the denied exception.