City of San Antonio

Agenda Memorandum

File Number:21-2924

Agenda Item Number: 3.

Agenda Date: 4/19/2021

In Control: Board of Adjustment

Case Number:	BOA-21-10300031
Applicant:	Lee Mangum
Owner:	David Norfolk
Council District:	6
Location:	1511 Northwest Crossroads
Legal Description:	Lot 6, Block 4, NCB 13905
Zoning:	"C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Region 2 Airport Hazard Overlay District
Case Manager:	Azadeh Sagheb, Planner

Request

A request for 1) a 14'11" variance from the 15' Type B landscape buffer yard requirement, as described in Section 35-510, to allow a buffer yard to be 1" along the north property line, and 2) a 9'11" variance from the 10' Type A landscape buffer yard requirement, also described in Section 35-510, to allow a buffer yard to be 1" along the east property line.

Executive Summary

The subject property is located along two thoroughfares: Potranco being a Primary Arterial Type A on the north, and NW Crossroads being a collector road on the south. The area is surrounded by various uses like, residential, commercial, and offices. The applicant is requesting variances to develop a vacant lot and construct an Information Technology building. Due to the existence of a Primary Arterial Type A road to the north and a Collector road to the east, the UDC requires a minimum of 15' buffer yard Type B along the north side and a 10' buffer yard Type A long the east side.

The applicant stated that this data center requires high security measures and because of the 14' electric, gas and cable easement, the security fence is set to be 14' away from the property line. The applicant is proposing to plant the buffer area vegetation further into the site. The buffer yard area will not be used for any construction.

Code Enforcement History

There is no code enforcement history on file for this property.

Permit History

No permits are on file for the property.

Zoning History

The subject property was annexed into the City of San Antonio on May 12, 1986, established by Ordinance 62547 and was zoned "Temporary R-1" Single-Family Residence District. The subject property converted from "R-1" to "R-6" Residential Single-Family District with the adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001. The property was rezoned from "R-6" to the current "C-2" Commercial District by 2007-01-18-0099 dated January 18, 2007.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Region 2 Airport Hazard Overlay District	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-3 MLOD-2 MLR-2 AHOD" General Commercial Lackland Military Lighting Overlay Military Region 2 Airport Hazard Overlay District & "R-6 MLOD-2 MLR-2 AHOD" Single-Family Residential Lackland Military Lighting Overlay Military Region 2 Airport Hazard Overlay District	Commercial & Residential
South	"R-6 MLOD-2 MLR-2 AHOD" Single-Family Residential Lackland Military Lighting Overlay Military Region 2 Airport Hazard Overlay District	Commercial & Multifamily Residential
East	"MF-33 MLOD-2 MLR-2 AHOD" Multifamily Lackland Military Lighting Overlay Military Region 2 Airport Hazard Overlay District & "C-1 MLOD-2 MLR-2 AHOD" Light Commercial Lackland Military Lighting Overlay Military Region 2 Airport Hazard Overlay District	Commercial & Multifamily Residential

West	"I-1 MLOD-2 MLR-2 AHOD" General Industrial Lackland Military Lighting Overlay Military Region 2 Airport Hazard Overlay District & "C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Region 2 Airport Hazard Overlay District	National Security Agency & Commercial

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West Sector Plan and designated "Specialized Center" within the future land use component of the plan. The subject property is not located within the boundaries of any Neighborhood Associations.

Street Classification

Potranco Road is classified as a Primary Arterial Type A. North West Crossroads is classified as a collector road.

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 buffer yard will be used to set up the fence and security cameras, which is not contrary to public interest as it does not negatively impact any surrounding properties or the general public.

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

The spirit of the ordinance is the intent of the code, rather than the strict letter of the law. Planting the trees within the buffer yards would visually impede camera security system and allow people to climb over fencing. A literal enforcement would result in unnecessary hardship by preventing a secure site.

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

The intent of the buffer yard is to increase privacy, and separate uses within a district. Since the site will not create cluttered views, the requested variances along the north and south property line will meet the intent of the code. The spirit of the ordinance will be observed.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning 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.

There exists a similar facility adjacent to the subject property. The requested variances to remove the buffer yards will not alter the essential character of the district in which the property is located.

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 plight of the property owner is due to the unique security requirements for this data center. This situation was not created by the owner but a necessary item for its use. It is not requested for financial reasons and not due to the result of the general conditions of the site.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the landscape buffer yard requirements in Section 35-510.

Staff Recommendation

Staff recommends **Approval** of **BOA-21-10300031** of the based on the following findings of fact:

1. The applicant is using the buffer yard to set up the security facilities, and;
2. The buffer area will not accommodate any construction, and;
3. The landscaping vegetation will be planted further back into the property.