



City of San Antonio

Agenda Memorandum

Agenda Date: October 7, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300183

APPLICANT: KW Landscape Architects

OWNER: IIP Land, Ltd.

COUNCIL DISTRICT IMPACTED: District 3

LOCATION: 16795 South US Hwy 281

LEGAL DESCRIPTION: Lots P-10 ABS 3 and P-10C, CB 4006

ZONING: “I-2” Heavy Industrial District

CASE MANAGER: Colton Unden, Planner

A request for

A variance from the shrub and fencing buffer landscape requirements to eliminate the shrub and fencing requirements.

Section 35-510(c)(2) (Table 510-1)

Executive Summary

The subject property is located along South US Highway 281, east of Pleasanton Road. The abutting R-5 zone is owned by the San Antonio Water System (SAWS) and they have provided the applicant with a letter stating that they intend to use the property as a wetland system. The objective of the wetlands system is to treat water from Mitchell Lake. SAWS has stated they have no intention of utilizing the land for residential use. After a meeting with Trees and Zoning Sections of Development Services, the applicant was found to meet the buffer and trees requirements, providing significantly more trees than required, however, will not be providing the adequate shrub or fencing. The applicant property was recently rezoned from “R-5” Single-Family

Residential to “I-2” Heavy Industrial by Ordinance 2023-05-18-0352, passed by City Council on May 18, 2023.

Code Enforcement History

No relevant code enforcement history.

Permit History

COM-PRJ-APP24-39802021 – Commercial Site Work – Additional Info Required

Zoning History

The property was annexed into the City of San Antonio by Ordinance 101605, dated January 4, 2006. The property was zoned by Ordinance 98492, dated December 4, 2003, to “FR” Farm and Ranch District. The property was rezoned by Ordinance 2015-10-15-0884, dated October 15, 2015, to “R-5” Residential Single-Family District. The property was rezoned by Ordinance 2023-05-18-0352, dated May 18, 2023, to “I-2” Heavy Industrial District.

Subject Property Zoning/Land Use

Existing Zoning

“I-2” Heavy Industrial District

Existing Use

Vacant Lot

Surrounding Property Zoning/ Land Use

North

Existing Zoning

"R-5" Residential Single-Family District

Existing Use

Vacant Lot

South

Existing Zoning

"R-5" Residential Single-Family District

Existing Use

Vacant Lot

East

Existing Zoning

“OCL” Outside City Limits

Existing Use

Single-Family Dwellings and Warehousing

West

Existing Zoning

"R-5" Residential Single-Family District

Existing Use

Vacant Lot

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the South Sector Plan and is designated as “Specialized Center” in the future land use component of the plan. The subject property is not located within 200’ of any registered Neighborhood Association.

Street Classification

South US Hwy 281 is classified as a Super Arterial Type B.

Criteria for Review – Elimination of the Shrub and Fencing Landscape Requirements Variance

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 removal of the shrub and fencing landscape requirements in this variance aligns with the public interest, as the proposed plans include the planting of significantly more trees than required. Additionally, since the surrounding property is designated for non-residential use, the need for shrub and fencing buffering is diminished.

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

Strict enforcement of the landscape buffer ordinances would create unnecessary hardship for the applicant, requiring the removal of additional trees and adjustments to the building plans to fit shrubs and fencing.

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

The requested landscape variance aligns with the ordinance, as the lot will have significantly more trees than required, along with a detention pond and other landscaping features that upholds the spirit of the ordinance.

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.

No uses other than those allowed within the district will be allowed with this variance.

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.

Staff concludes that the landscape shrub and fencing variance would not significantly harm the appropriate use of adjacent properties, as other landscaping and buffer requirements, including buffer size and tree quantity, will still be met.

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.

Staff finds the unique circumstances existing on the property is the need to maintain trees and buffer yard, and a strict observance of the code would require changes to trees and the buffer to accommodate shrubs and fencing.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the landscape buffer requirements of the UDC Section 35-510(c)(2) (Table 510-1).

Staff Recommendation – Elimination of the Shrub and Fencing Landscape Requirements Variance

Staff recommends **Approval** in **BOA-24-10300183** based on the following findings of fact:

1. The applicant is providing more trees than what is required, to compensate for the lack of shrubs and fencing.
2. San Antonio Waster System has indicated they have no intention on using the surrounding property for any residential purpose.
3. The requested variance will not alter the essential character of the area in which it is located.