



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 5, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Department Head

**CASE NUMBER:** BOA-24-10300134

**APPLICANT:** Erthos

**OWNER:** Christus Santa Rosa Health Care Corporation

**COUNCIL DISTRICT IMPACTED:** District 8

**LOCATION:** 2827 Babcock Road

**LEGAL DESCRIPTION:** Northeast irregular 1018.83 feet of Lot 8, NCB 13663

**ZONING:** "C-3 S CD AHOD" General Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Hospital taller than 35 feet with a Helistop and a Conditional Use for a Solar Farm

**CASE MANAGER:** Vincent Trevino, Senior Planner

**A request for**

A 1' special exemption from the maximum 6' height to allow a 7' predominately open security fence.

Section 35-514

**Executive Summary**

The subject property is located on Babcock Road within the Medical Center between Medical Drive and Hamilton Wolfe. A portion of the property was recently rezoned with a Conditional Use to allow for a solar farm. The applicant is seeking a special exemption to allow a 7' predominately open security fence for a solar farm. The solar farm will be located to the rear of the property.

**Code Enforcement History**

No Code Enforcement history found.

### **Permit History**

The applicant has not yet applied for the building permit.

### **Zoning History**

The property was annexed into the City of San Antonio by Ordinance 31907, dated November 20, 1963, and zoned Temporary “A” Single Family Residential District. The property was rezoned by Ordinance 37826, dated September 21, 1969, to “B-1” Business District for a hospital. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-1” Business District converted to the current “C-1” Light Commercial District. A portion of the property was rezoned by Ordinance 2024-05-02-0307, dated May 12, 2024, to “C-3 S AHOD” General Commercial District with a Specific Use Authorization for a Hospital taller than 35 feet with a Helistop. A portion of the property was rezoned by Ordinance 2024-06-20-0522, dated June 30, 2024, to “C-3 S CD AHOD” General Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Hospital taller than 35 feet with a Helistop and a Conditional Use for a Solar Farm.

### **Subject Property Zoning/Land Use**

#### **Existing Zoning**

“C-3 S CD AHOD” General Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Hospital taller than 35 feet with a Helistop and a Conditional Use for a Solar Farm

#### **Existing Use**

Hospital

### **Surrounding Property Zoning/ Land Use**

#### **North**

#### **Existing Zoning**

“C-3 S” General Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Hospital taller than 35 feet with a Helistop

#### **Existing Use**

Public Park/CPS Substation

#### **South**

#### **Existing Zoning**

“C-3 S” General Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Hospital taller than 35 feet with a Helistop

#### **Existing Use**

Medical Office

#### **East**

#### **Existing Zoning**

“C-3 AHOD” General Commercial Airport Hazard Overlay District

#### **Existing Use**

Warm Springs Rehab Center

## **West**

### **Existing Zoning**

“C-3 S” General Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Hospital taller than 35 feet with a Helistop

### **Existing Use**

Hospital

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

The subject property is in the Medical Center Area Regional Center and is designated as “Business/Innovation Mixed Use” in the future land use component of the plan. The subject property is not located within the boundary of a registered neighborhood association.

### **Street Classification**

Babcock Road is classified as a Primary Arterial Type A.

### **Criteria for Review – Fence Height Special Exception**

According to Section 35-482(h) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

*A. The special exception will be in harmony with the spirit and purpose of the chapter.*

The UDC states the Board of Adjustment can grant a special exception for a fence height modification. If granted the special exception it will not be contrary to the spirit and purpose of the Chapter. The 1-foot predominantly open security fence is the minimum need to afford relief to the property owner.

*B. The public welfare and convenience will be substantially served.*

In this case, these criteria are represented by fence heights to protect property owners while still promoting a sense of community. The proposed fence will add to the protection of the property and add a sense of security to the solar farm.

*C. The neighboring property will not be substantially injured by such proposed use.*

The proposed predominantly open fence would be for a solar farm and would not injure neighboring properties as the fence will provide security.

*D. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.*

Upon inspection of the district and location, the fence height and proposed design will not alter the essential characteristics of the district.

*E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district*

If granted, the special exception will not alter the general purpose of the district, or the regulations herein established for the specific district. The proposed fence exceeds the height regulations by 1-foot and will enhance the security of the property. The property was recently rezoned for a Specific Use Authorization for a Solar Farm, a use permitted by right in an Industrial zoning that would permit a higher fence by right.

**Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Fence Height Regulations of the UDC Section 35-514.

**Staff Recommendation – Fence Height Special Exception**

Staff recommends Approval in BOA-24-10300134 based on the following findings of fact:

1. The proposed height will add security to the property and surrounding area.
2. The special exception will not alter the essential character of the neighborhood.