

Case Number:	BOA-21-10300037
Applicant:	Emilie Weissler
Owner:	La Cantera Hospitality Inc.
Council District:	8
Location:	6919 North 1604 West
Legal Description:	Lot 23 except IRR 21.83', Block 1, NCB 14859
Zoning:	"MF-40 UC-1 MLOD-1 MLR 2 ERZD" MultiFamily IH10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District
Case Manager:	Kayla Leal, Principal Planner

Request

A request for a waiver to the minimum parking requirements, as described in Section 35-526, to allow for 104 parking spaces on the property.

Executive Summary

The subject property is located near the intersection of North Loop 1604 West and Chase Hill Boulevard. There is currently an existing structure on the property that has been used as an extended stay hotel and was recently rezoned to “MF-40” Multi-Family District to accommodate the proposed use. The subject property is eligible to use a 1:1 parking ratio, which requires one (1) parking space per unit. There are currently 122 units on the property and the applicant is proposing to maintain that number, which would require at least 122 parking spaces. Twelve (12) of the parking spaces can be waived administratively, so the applicant is requesting a waiver to provide six (6) less parking spaces than what is required since the property only has 104 parking spaces available. Additionally, the property is located within the Edward Recharge Zone District and has undergone review by SAWS to evaluate the maximum amount of impervious cover. The existing amount of impervious cover is the maximum allowable, which presents a hardship in regards to providing more parking spaces.

Code Enforcement History

There are no relevant code cases in relation to this property and request.

Permit History

There are no relevant permits in relation to this property and request.

Zoning History

The property was annexed by Ordinance 39197 dated February 24, 1971 as Temporary “R-1”. The property was rezoned from Temporary “R-1” to “B-3” Business District by Ordinance 42655, dated August 16, 1973. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-3” converted to the current “C-3” General Commercial District. The property was approved at the October 7, 2021 City Council Hearing for “MF-40” Multi-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"MF-40 UC-1 MLOD-1 MLR 2 ERZD" Multi-Family IH10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Structure with 122 multi-family dwelling units

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-2 UC-1 MLOD-1 MLR 2 ERZD" Commercial IH10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Multi-Family Uses
South	UZROW	Loop 1604
East	"C-3 UC-1 MLOD-1 MLR 2 ERZD" General Commercial IH10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Commercial Uses
West	"C-3 UC-1 MLOD-1 MLR 2 ERZD" General Commercial IH10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Multi-Family Uses

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the UTSA Area Regional Center Plan and is designated “Regional Mixed Use” in the future land use component of the plan. The subject property is not located within the boundaries of a Neighborhood Association.

Street Classification

Loop 1604 is classified as a Freeway.

Criteria for Review – Variances for Minimum Parking Standards

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 defined as the general health, safety, and welfare of the public. The applicant is requesting a variance to be able to provide six less parking spaces than what is allowable on the property.

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

A literal enforcement of the ordinance would result in the applicant reducing the amount of available units, which would reduce the amount of housing provided. The property is located over the Edward Recharge Zone, so the impervious cover is limited to the amount currently placed on the property.

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 defined as the intent of the code, rather than the exact letter of the law. The rear to reduce the parking by six (6) spaces observes 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 does not find that the request to maintain the current amount of parking spaces, which is six (6) less than what is required by the standards, to substantially injure the adjacent conforming properties or alter the essential character of the district.

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 property is located over the Edward Recharge Zone which is restricting the amount of impervious cover for parking. Staff finds the variance is sought due to this unique circumstance, which was not created by the owner and is not merely financial.

Staff Recommendation – Minimum Parking Variance

Staff recommends **Approval** in **BOA-21-10300037** based on the following findings of fact:

1. There is an existing structure and parking that is being converted to accommodate a new use; and
2. There is a total of 104 parking spaces on the property; and
3. The property is located within the Edward Recharge Zone District and is limited to the existing impervious cover existing on the property.