

Alternative Compliance	312 Camacho Street
AC-22-01	Protective Yard Installation Requirements



Summary

Request:	Alternative Compliance to vary from the Type C Protective Yard standards		
Applicant:	Troy Turner Max Developers, Inc. PO Box 593067 San Antonio, TX 78259	Property Owner:	NEF Industries LLC 8120 Research Blvd, Ste 105, Box 289 Austin, TX 78758
Interior Floor Area:	+/- 37,784 sq ft	Outdoor Floor Area:	+/- 45,558 sq ft
Parking Required:	19 spaces	Parking Provided:	Yes
Days & Hours of Operation:	N/A		

Notification

Posted:	N/A	Personal:	February 25, 2022 and April 8, 2022 (Appeal)
Response:	None as of the date of this report		
Published: (Appeal)	April 1, 2022		

Property Description

Legal Description:	Victory Gardens 51-109 Lots 8 & 9 Blk 11		
Location:	Located near the intersection of Camacho Street and Churchill Street		
Acreage:	Approximately 2.05 acres	PDD/DA/Other:	N/A
Existing Zoning:	Heavy Industrial (HI)	Proposed Zoning:	Same
Existing Use:	Vacant	Proposed Use:	Same
Preferred Scenario:	Existing Neighborhood	Proposed Designation:	Same
CONA Neighborhood:	Victory Gardens	Sector:	4
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	Yes – Medium Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Public	Capital Area Rural Transportation System (CARTS) Station	High Intensity
South of Property:	Single Family – 4.5	Single Family Dwelling	Existing Neighborhood
East of Property:	Heavy Industrial	Saucedo's Wrecker Site	Existing Neighborhood
West of Property:	Single Family - 4.5	Single Family Dwelling	Existing Neighborhood

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Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions	Denial
<ol style="list-style-type: none"> 1. All other minimum installation requirements specific to the 'Type C' Protective Yard, including a wall, shade trees, understory trees, and shrubs shall be provided as outlined in Section 7.2.2.4 of the Land Development Code. 2. No access to the site shall be provided along Patton Street 3. The Alternative Compliance shall not expire. 			
Staff: Dalton Dueitt		Title: Planner	Date: March 2, 2022

Commission Recommendation

Approval as Submitted	<input type="checkbox"/>	Approval with Conditions	<input checked="" type="checkbox"/>	Denial
<u>Planning and Zoning Commission Meeting: March 8, 2022</u>				
Speakers in favor or opposed:				
<ol style="list-style-type: none"> 1. Carina Pinales (in favor) 2. Rudy Rodriguez (against) 3. Leonard Rodriguez (against) 4. Rogelio Casas (against) 5. Written Comments: Ashley Flores (against), Blanca Cortez (against), Mercedes Casas (against), Rachel Esquivel (against), Rosa Pina (against), Roxanne Ybarra (against), Veronica Ortega (against) 6. Christina Casas-Moreno (against) 7. Lisa Marie Coppoletta (against) 				
Planning and Zoning Commission Recommendation:				
<p>A motion was made by Commissioner Castilla, seconded by Commissioner Meeks, to deny AC-22-01. Discussion from the Commission included the potential negative drainage impacts to the surrounding single-family homes if the development were to occur, as well as an increase in vehicular activity within the neighborhood. Additionally, a factor that weighed heavily in the Commission's decision of denial was the community's attendance in which citizens of the neighborhood expressed their concerns with the proposed development during the meeting. The motion was carried 9-0.</p> <ul style="list-style-type: none"> • For: (9) Commissioner Agnew, Commissioner Case, Commissioner Costilla, Commissioner Garber, Commissioner Kelsey, Commissioner Meeks, Commissioner Mendoza, Commissioner Sambrano, Commissioner Spell • Against: (0) • Absent: (0) 				

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History

Currently, there is not an active use in operation at the subject property, however there is an existing, vacant warehouse present on-site. Staff is reviewing permits for a warehouse use in the existing building.

Additional Analysis

When development is proposed to occur within a Heavy Industrial District, a Type C or D Protective Yard is required along the interior side lot lines that are adjacent to a Single Family – 4.5 District. Specific to this request, a Type C or D Protective Yard is required along the southern and eastern lot lines of the subject property. The applicant has selected to install a Type C Protective Yard which requires the installation of a twenty-foot buffer area that is free of any buildings or parking of vehicles, a six-foot-tall wall along the applicable lot lines, and four shade trees, four understory trees, and forty shrubs per each 100 linear feet of the required protective yard.



Because the applicant intends on preserving the existing warehouse, a twenty-foot buffer that is free of any building encroachment cannot be obtained for all portions of the required protective yard. Due to the positioning of the existing warehouse in relation to the property itself, at its most extreme the building encroaches five feet and four inches into the required twenty-foot buffer. Therefore, the applicant is requesting an alternative compliance to the minimum depth requirement for Type C Protective Yards to be fourteen feet and eight inches rather than twenty feet so that no part of the existing warehouse will encroach. If the alternative minimum depth of fourteen feet and eight inches is granted, all other installation requirements specific to Type C Protective Yard's will be met.

The warehouse, which is approximately 37,784 square feet in area, is identified as a 'Medium Priority' on My Historic SMTX Resources Survey. Due to this identification, demolition in whole or in part of the warehouse is subject to the review by the Historic Preservation Commission under the City's demolition delay ordinance, which provides for the temporary delay of issuance of permits for demolition of qualifying historic age buildings. The applicant has stated that they have no intentions on altering the warehouse's exterior, and that they wish to preserve and operate their proposed warehouse and distribution use within the existing building as-is.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

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Evaluation			Criteria for Approval (Sec. 2.8.4.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	<p>The request is consistent with the policies embodied in the adopted Comprehensive Plan</p> <p><i>The request for a deviation to the 20-foot minimum depth requirement in place for Type C Protective Yards does not directly relate to any Comprehensive Plan goal.</i></p>
<u>X</u>			<p>The request is consistent with the general purpose, intent and character of the development regulations applicable to the property</p> <p><i>See Criteria for Approval in Section 7.2.2.4 below.</i></p>
		<u>X</u>	<p>There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the subject property</p> <p><i>There are no special circumstances or conditions that arise from the property's surrounding topography. All physical conditions that prevent the development from meeting all protective yard minimums take place on the property itself.</i></p>
	<u>X</u>		<p>The request is detrimental to the public health, safety or welfare, or injurious to other property within the area</p>
		<u>X</u>	<p>The request either:</p> <ul style="list-style-type: none"> a. Does not have an adverse impact upon adjacent property or neighborhoods, including but not limited to, parking, traffic noise, odors, visual nuisances, and drainage; or b. Includes improvements either on-site or within the public rights-of-way to mitigate any such adverse impacts. <p><i>The development will not have an impact upon adjacent property regarding parking considering all required parking for the development will take place on-site. Additionally, the development will have to provide necessary on-site detention to ensure water runoff will not be increased in the area with the proposed increase in impervious cover. The proposed use is similar to prior uses on the property.</i></p>
<u>X</u>			<p>The request shall not have the effect of preventing the orderly use and enjoyment of other property within the area in accordance with the provisions of the Development Code, or adversely affect the rights of owners or residents of adjacent property or neighborhoods</p> <p><i>The protective yard is intended to minimize conflicts between potentially incompatible, but otherwise permitted land uses on abutting property. The protective yard provided along the site's boundary lines that abut the adjacent single-family homes will serve to limit any effect that prevents the orderly use and enjoyment of the single-family lots. Currently, there is no protective yard in place and the existing warehouse/site is completely visible from the single-family homes.</i></p>

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Evaluation			Criteria for Approval (Sec. 2.8.4.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	<p>The request shall not result in any incompatibility of the development to which it relates with or the character and integrity of, adjacent property neighborhoods</p> <p><i>Directly east of the subject property is an operating wrecking/junk yard that is also within a HI district. If the request is approved, the proposed development will be required to provide an alternate transitional protective yard that will serve as a buffer between the adjacent single-family homes and both the proposed development and existing wrecker/junk yard.</i></p>
<u>X</u>			<p>This request meets the standards for the applicable zoning district, or to the extent deviations from such standards have been requested, that such deviations are necessary to render the subject development or improvement compatible with adjacent development of the neighborhood</p> <p><i>A protective yard is required to be installed to help support compatibility between the single-family homes and the proposed warehouse and distribution site. The deviations requested to the minimum depth requirement in place for Type C Protective Yards is necessary if the existing warehouse is to be preserved.</i></p>

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Evaluation			Transitional Protective Yards Alternative Compliance Findings (Sec. 7.2.2.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>The approved alternate meets the intent of the protective yard regulations <i>Transitional protective yards are intended to minimize conflicts between potentially incompatible, but otherwise permitted land uses on abutting property. With an exception to providing a minimum 20-foot encroachment-free buffer depth, all other minimum requirements specific to the Type C protective yard will be provided. Such requirements that will be met/provided include:</i></p> <ul style="list-style-type: none"> • A six-foot-tall wall; • Four shade trees per each 100 linear feet of the protective yard; • Four understory trees per each 100 linear feet of the protective yard; and • Forty shrubs per each 100 linear feet of the protective yard.
	<u>X</u>		<p>For topographic reasons, a fence or wall or other required screening device will not screen activities from an abutting property as required by this Division <i>There is no topographic reason that prevents a wall from being installed to screen from view the proposed warehouse and distribution activities. To screen the development, a six-foot-tall wall will be required along the boundary lines that abut the single-family homes.</i></p>
		<u>X</u>	<p>The approved alternate conforms with the Comprehensive Plan and adopted City plans <i>The request for a deviation to the 20-foot minimum depth requirement for Type C Protective Yards does not directly relate to any Comprehensive Plan goal.</i></p>
	<u>X</u>		<p>The existing topography or vegetation achieve the purpose and intent of this Division <i>Though there are existing trees provided where the transitional protective yard is required to be located, there is not enough existing vegetation to satisfy the minimum planting count. Because there is not a sufficient amount of existing vegetation, the developer will be responsible for providing additional plantings, such as shade trees, understory trees, and shrubs, to meet the minimum required amount for Type C protective yards as provided in Section 7.2.2.4.</i></p>