AGENDA
BOARD OF ADJUSTMENT OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 22 June 2020
COUNCIL CHAMBER OF CITY HALL

1. CALL TO ORDER: Chairman Cheryl Maxwell at 6:00 PM

2. QUORUM CHECK: Michael Cassata, Development Services Director

3. MINUTES OF PREVIOUS MEETING:

   A. Regular Meeting – 24 February 2020

4. NEW BUSINESS:

   A. **Public Hearing:** V.C.661— A request for a variance from the Zoning Code for property zoned R1 – Large Lot Residential at 13706 Corinth (CB 5047H BLK 72 LOT 7 OLYMPIA SUBD UT-13) to allow a residential lot to exceed the 25-percent maximum lot coverage by approximately 11 percent or 1,750 square feet, per zoning ordinance 581.

   B. **Consider:** V.C.661— A request for a variance from the Zoning Code for property zoned R1 – Large Lot Residential at 13706 Corinth (CB 5047H BLK 72 LOT 7 OLYMPIA SUBD UT-13) to allow a residential lot to exceed the 25-percent maximum lot coverage by approximately 11 percent or 1,750 square feet, per zoning ordinance 581.

   C. **Public Hearing:** V.C.660— A request for a variance from the Zoning Code for property zoned C5 – Highway Commercial at 16656 N IH-35 (CB 5046Q OLYMPIA HOTEL BLK 1 LOT 1) to exceed the maximum building height of 35 feet and allow a building height of 69 feet, per zoning ordinance 581.

   D. **Consider:** V.C.660— A request for a variance from the Zoning Code for property zoned C5 – Highway Commercial at 16656 N IH-35 (CB 5046Q OLYMPIA HOTEL BLK 1 LOT 1) to exceed the maximum building height of 35 feet and allow a building height of 69 feet, per zoning ordinance 581.

   E. **Public Hearing – Continued from Previous Meeting:** V.C.652—A request for a variance from the Zoning Code for property zoned R2 – Low Density Residential at 209 Trudy Lane (CB 5054C BLK 4 LOT 3) to allow an accessory structure (shed) to encroach the side and rear yard setbacks, per zoning ordinance 581.

   F. **Consider – Continued from Previous Meeting:** V.C.652—A request for a variance from the Zoning Code for property zoned R2 – Low Density Residential at 209 Trudy Lane (CB 5054C BLK 4 LOT 3) to allow an accessory structure (shed) to encroach the side and rear yard setbacks, per zoning ordinance 581.

   G. **Public Hearing:** V.C.656—A request for a variance from the Zoning Code for property zoned C1–Neighborhood Services at 100 Village Green (CB 5054L BLK LOT 7) to allow a connex storage container in the rear yard adjacent to an off-street parking area, per zoning ordinance 581.

   H. **Consider:** V.C.656—A request for a variance from the Zoning Code for property zoned C1–Neighborhood Services at 100 Village Green (CB 5054L BLK LOT 7) to allow a connex storage container in the rear yard adjacent to an off-street parking area, per zoning ordinance 581.

5. CITY MANAGER'S REPORT:

A. Dates and Times of Local Meetings
B. Status of City projects and programs
C. ADJOURNMENT:

Kristin Mueller
City Clerk

This facility is handicap accessible and handicap parking spaces are available. Request for accommodations or interpretive services must be made 72 hours prior to this meeting. Please contact the City Clerk's Office at (210) 659-0333 if these services are needed.

MINUTES
BOARD OF ADJUSTMENT OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 24 February 2020

1. CALL TO ORDER: Chairwoman Cheryl Maxwell at 6:00 PM.

2. QUORUM CHECK: Michael Cassata, Development Services Director

Members Present:
Cheryl Maxwell, Chairwoman
John Hudson, Member
William Fitzpatrick, Member
James Vinci, Member
Michael Murray, Member
Lori Putt, Member
Mary Andrews, Member

Present:
Michael Cassata, Development Services Director
Jaclyn Redmon, Building Official

Members Absent:
None

3. MINUTES OF PREVIOUS MEETING:

Regular Meeting – 27 January 2020

Mr. Hudson moved to approve the minutes as presented. Mr. Vinci seconded the motion. The minutes were approved without correction on a 7-0 vote.

4. NEW BUSINESS:

A. **Public Hearing:** V.C.655—A request for a variance from the Sign Code for property zoned C2 – Retail at 600 Pat Booker Road (CB 5768 BLK 1 LOT 52 TEXSTAR BANK UNIVERSAL CITY) to exceed the maximum pole sign face area of 200 square feet by 72 square feet, per zoning ordinance 581.

Chair Maxwell introduced the variance request.

Mr. Cassata described TexStar Bank's proposal to update their existing pole sign by updating the top sign cabinet and replacing the second sign cabinet with a new 72-squar-foot sign cabinet while lowering it to 12 feet above the ground. He explained that although the total sign area would not change, it would, however, exceed the maximum allowable area of 200 square feet by 72 square feet, which requires a variance.

Pete Sitterle of Comet Signs and the petitioner's contractor, introduced himself and provided more details on the sign replacement request, including the existing tree canopy that creates a visibility issue.

Byron Bexley, Chairman and CEO of TexStar Bank, was present but elected not to speak.

There being no further comments from the public, Chair Maxwell closed the public hearing at 6:03 p.m.

B. **Consider:** V.C.655—A request for a variance from the Sign Code for property zoned C2 – Retail at 600 Pat Booker Road (CB 5768 BLK 1 LOT 52 TEXSTAR BANK UNIVERSAL CITY)

to exceed the maximum pole sign face area of 200 square feet by 72 square feet, per zoning ordinance 581.

Chair Maxwell expressed her support for the proposed sign update and the needed improvements in that area of Pat Booker Road. Member Putt agreed.

There being no further discussion, Ms. Putt moved to approve the variance request. The motion was seconded by Mr. Fitzpatrick and was approved on a 7-0 vote.

C. **Public Hearing:** V.C.652—A request for variances from the Zoning Code for property zoned R2 – Low Density Residential at 209 Trudy Lane (CB 5054C BLK 4 LOT 3) to: (i) allow an accessory structure (shed) to exceed the 250-square-foot maximum by approximately 210 square feet for a total size of approximately 460 square feet; and (ii) allow an accessory structure (shed) to encroach the side and rear yard setbacks, per zoning ordinance 581.

Chair Maxwell introduced the variance request.

Mr. Cassata described the proposal by explaining the property was recently purchased and as part of a residential remodel, the owner would like to keep the existing shed, which exceeds the current zoning requirements and encroaches the five-foot side and 10-foot rear yard setbacks.

Tom Dirks, contractor for the petitioner, stated that he did not believe the shed exceeded the 250-square-foot size requirement as a portion of the shed had been removed at some point demonstrated by the existing exposed slab. Mr. Cassata checked the application and confirmed that the request included a variance to the size requirement.

Sharon Peters, property owner, stated she did not receive notice of the meeting and only found out today about tonight's meeting.

Upon inquiry from Mr. Vinci, Ms. Peters confirmed she did complete the application and filed it with the City. Mr. Cassata explained the letter was sent to the owner of record at Bexar County Appraisal District, which likely has the previous owner listed since it was a recent purchase and their records have not yet been updated.

A discussion revolved around the size of the shed and the photos included in the staff packet. Upon review, Mr. Dirks and Ms. Peters stated the photos provided to the Board were outdated and taken prior to a portion of the shed being removed.

Mr. Cassata suggested that if the Board were to grant the variances to the size and the setbacks and it turned out the size of the shed was in compliance, then the record would reflect only the variance for the setbacks.

Chair Maxwell asked what updates to the shed were being proposed.

Ms. Peters explained how she acquired the property at a foreclosure auction and hired Mr. Dirks to obtain the proper permits to remodel the home and shed. She stated that she is a full-time house buyer and seller, which is the intent for this property. She added that she is not sure of the shed size but believes it is under 250-square feet based on the exposed slab. She expressed that she believes the shed would add value to the property if fixed up.

Chair Maxwell explained that the Board must consider whether there are any extenuating circumstances that would support the variance.

Mr. Vinci said if they don't have the correct information, then the only thing the Board can do is to have the City measure the shed and bring the item back for consideration at the next meeting.

Ms. Peters stated there's an issue with her not being noticed and not really having a chance to prepare.

Mr. Cassata read from the application submitted by Ms. Peters stating the accessory structure does not meet the setback and size requirements.

Ms. Peters said she was told what to put on the form.

Mr. Vinci took issue with the applicant stating she was told what to write.

Mr. Hudson suggested the item be tabled until the next meeting in order to determine what variances are needed.

Ms. Redmon stated the City has been working with the property owner to fix up the property and the process has been moving along smoothly with plans being submitted and a building permit having been issued.

There being no further comments from the public, Chair Maxwell closed the public hearing at 6:17 p.m.

D. **Consider:** V.C.652—A request for variances from the Zoning Code for property zoned R2 – Low Density Residential at 209 Trudy Lane (CB 5054C BLK 4 LOT 3) to: (i) allow an accessory structure (shed) to exceed the 250-square-foot maximum by approximately 210 square feet for a total size of approximately 460 square feet; and (ii) allow an accessory structure (shed) to encroach the side and rear yard setbacks, per zoning ordinance 581.

Chair Maxwell stated she believes the petition deserves a second hearing and the City should determine the size of the shed and bring it back next month.

Mr. Murray considered whether the Board would approve the shed if it did exceed the size requirements as suggested. Chair Maxwell stated they wouldn't know until the correct measurements are provided. Mr. Vinci expressed a couple of issues, including the Board should not make a decision based on an assumption without a complete or accurate set of facts. His second issue is that the petitioner completed and signed an application that states the accessory structure does not meet the size requirements and then stated a City staffer told her to write that down.

Mr. Murray suggested the Board act on the petition before them that includes the variance request for the accessory structure size; however, it could be deferred to get the complete set of facts.

There being no further discussion, Mr. Fitzpatrick moved to continue the item to the next scheduled Board of Adjustment meeting. The motion was seconded by Mr. Hudson and was approved on a 7-0 vote.

E. **Public Hearing:** V.C.654—A request for variances from the Zoning Code for property zoned R2 – Low Density Residential at 13507 Mount Olympus (CB 5047R BLK 13 LOT 109 Olympia Subdivision UT-11A) to: (i) exceed the maximum number of allowed accessory structures from one structure to three structures; (ii) allow an accessory structure (gazebo) to be less than ten feet from the principal building; and (iii) allow an accessory structure (shed) to exceed the 250-square-foot maximum by approximately 38 square feet for a total size of approximately 288 square feet, per zoning ordinance 581.

Chair Maxwell introduced the variance request.

Mr. Cassata described the proposal by explaining the new owner would like to enhance the outdoor living space by providing a gazebo/pergola over and around the outdoor kitchen, expand the pool patio, and install a 288-square-foot shed. He added that since the Zoning Code only allows one accessory structure and the applicant has three, a variance is required. Additionally, the gazebo/pergola is less than ten feet from the principal building, which requires a variance. Further, since the maximum allowable size for a shed is 250 square feet and the proposed shed exceeds that by 38 feet, a variance is required. He noted that the applicant was not in attendance but was made aware of the meeting and that staff did receive one neighbor letter stating opposition to the requested variances.

There being no further comments from the public, Chair Maxwell closed the public hearing at 6:23 p.m.

F. **Consider:** V.C.654—A request for variances from the Zoning Code for property zoned R2 – Low Density Residential at 13507 Mount Olympus (CB 5047R BLK 13 LOT 109 Olympia Subdivision UT-11A) to: (i) exceed the maximum number of allowed accessory structures from one structure to three structures; (ii) allow an accessory structure (gazebo) to be less than ten feet from the principal building; and (iii) allow an accessory structure (shed) to exceed the 250-square-foot maximum by approximately 38 square feet for a total size of approximately 288 square feet, per zoning ordinance 581.

At Chair Maxwell's request, Mr. Cassata read the objection letter from the property owner at 13403 Demeter Road, who stated the shed is large and visible above the fence line and gives the appearance of a warehouse or storage yard. They also expressed that the shed is visible from their back windows. They noted they did not object to the gazebo.

Mr. Cassata explained that the petitioner has been working with the City on remodeling the property and received permits for some of the work, but not everything, including the gazebo/pergola and shed.

Upon inquiry from Mr. Hudson, Mr. Cassata stated he did not know if the petitioner had run the proposal by the homeowners' association.

A discussion ensued regarding the homeowners' association rules.

Upon inquiry from Chair Maxwell, Ms. Redmon explained the building and fire codes requirement of a 10-foot separation between the primary and accessory structures. She furthered described methods by which the accessory structure could be closer than 10 feet, including incorporating fire retardant material. She confirmed the pergola and shed were not permitted.

Chair Maxwell stated that based on the petitioner not being present to substantiate extraordinary conditions, as well as an objection from a neighbor, she did not see a compelling reason to approve the request.

A discussion ensued regarding whether or not all the variances would be considered together. Mr. Cassata reiterated that the homeowners' association rules should not be considered.

Mr. Vinci argued that since there are no extenuating circumstance and a neighbor objects, the request should be disapproved.

There being no further discussion, Mr. Hudson moved to approve the requested variances. The motion was seconded by Ms. Putt and was denied on a 0-7 vote.

The Board of Adjustment members made a formal recommendation to City Staff to conduct a review of the Zoning Code's bulk requirements; that is, the Lot Design Standards and the Accessory Structures Requirements.

Mr. Cassata explained the process a petitioner goes through when applying for a variance, including the initial meeting with staff and ultimate confirmation of the Board of Adjustment meeting date when the application is formally submitted and the variance request filing fee is paid.

The Board of Adjustment reiterated their formal request for a Zoning Code review.

5. CITY MANAGER REPORT:

In Ms. Turner's absence, Mr. Cassata provided an update on the upcoming Zoning Code text amendments proposal and stated it is scheduled for City Council consideration on March 17th.

6. ADJOURNMENT:

The meeting adjourned at 6:42 PM.

Cheryl Maxwell
Chair

CITY OF UNIVERSAL CITY

Date 12 June 2020

File V.C. 661

TO: Members of the Board of Adjustment

FROM: Michael Cassata, Development Services Director

SUBJECT: V.C. 661—A request for a variance at 13706 Corinth

Specific Request
A request for a variance from the Zoning Code for property zoned R1–Large Lot Residential at 13706 Corinth (CB 5047H BLK 72 LOT 7 OLYMPIA SUBD UT-13) to allow a residential lot to exceed the 25-percent maximum lot coverage by approximately 11 percent or 1,750 square feet, per zoning ordinance 581.

Zoning
The property is owned by Gloria Richard and is zoned R1–Large Lot Residential. The Future Land Use Plan designates this property as LDR–Low Density Residential.

Surrounding Uses
Properties in the immediate area in all four directions are similar single-family residences, zoned R1–Large Lot Residential.

Project Specifics
The property owner would like to install a 200-square-foot patio in her backyard. By Code, her property has a 25 percent maximum lot coverage that comes to 4,010 square feet for her property. Including the patio, the total impervious surface equals 5,762 square feet. Therefore, a variance is needed to exceed the maximum lot cover by approximately 11 percent.

It should be noted that this property was built in 1996, which was prior to the establishment of maximum lot coverage requirements.

The subject property is located within APZ 2 within the JBSA Randolph Air Installations Compatible Use Zones (AICUZ).

Findings of Fact
As part of its consideration on the proposed variance, the Board of Adjustment shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a nuisance may be created, and the probable effect of such variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity.

More specifically, as part of their deliberation, Board members should consider the following findings:

1. *Extraordinary Conditions.* That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of the Code will deprive the applicant of a reasonable use of the land. For example, a variance might be justified because of

topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.

2. *Preservation of a Substantial Property Right.* That the variance is necessary for the preservation of a substantial property right of the applicant.
3. *Substantial Detriment.* That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering the Code.
4. *Other Property.* That the conditions that create the need for the variance do not generally apply to other property in the vicinity.
5. *Applicant's Actions.* 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.
6. *Future Land Use Plan.* That the granting of the variance would not substantially conflict with the Future Land Use Plan and the purposes of this chapter.
7. *Utilization.* That because of the conditions that create the need for the variance, the application of the Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Legal Notices

Per State law, 20 notices were mailed to property owners within 200 feet of the subject property. As of this memo, the City has received 4 letters not opposed to the request.

Attachments:

Location Map
Photos
Section 4-5-62
Variance Criteria
Application
Motion

VC 661
13706 Corinth

Date Prepared: Thursday, May 28, 2020

N

Legend

Affected Parcels

0 250 500 Feet

UNIVERSAL CITY
Gateway to Randolph AFB

The City of Universal City Texas
2150 Universal City Blvd
Universal City, TX 78148

13706 CORINTH

PATIO AREA

District Code	Zoning District				SETBACKS			Maximum Building Height	Maximum Lot Cover (%)	^Maximum Impervious Cover (%)
		Maximum Development Density (units/ac)	Minimum Lot Area (ft ^{2})	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard			
	RESIDENTIAL									
R1	Large Lot Residential	3	7,500	65	25	10	10	35	25	30
R2	Low Density Residential	5	6,500	55	25	10	5	35	40	35
R3	Medium Density Residential	7	6,000	50	20	5	5	35	50	45
R4	High Density Residential	12	3,500	40	15*	5	5	35	60	50
R-OT	"Old Town" Residential	16	4,000	35	15	5	5	35	55	55
R5	Multifamily Residential	20	8,000	75	25	20	15	35	65	55
MH1	Manufactured Housing	5	6,500	55	20	10	5	35	40	35
MH2	Mobile Home Park	4	7,500	55	20	10	5	35	40	35
	NONRESIDENTIAL									
C1	Neighborhood Services	-	-	50	20	20	10	30	-	^70
C2	Retail	-	-	70	15	15	15	35	-	^65
C3	Commercial Services	-	-	70	15	15	15	35	-	^65
C4	General Commercial	-	-	70	40	35	20	35	-	^75
C5	Highway Commercial	-	-	100	50	40	25	35	-	^75
PARK	Park	-	-	na	na	na	na	na	-	na

Criteria for Granting a Variance, Findings Required

The Board of Adjustment shall prescribe only conditions that it deems not prejudicial to the public interest and shall enumerate its decision with findings of fact. In making the required findings, the Board of Adjustment shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a nuisance may be created, and the probable effect of such variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity. No variance shall be granted unless the Board of Adjustment finds all of the following:

A. Extraordinary Conditions
That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of a reasonable use of the land. For example, a variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.

B. Preservation of a Substantial Property Right
That the variance is necessary for the preservation of a substantial property right of the applicant.

C. Substantial Detriment
That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code.

D. Other Property
That the conditions that create the need for the variance do not generally apply to other property in the vicinity.

E. Applicant's Actions
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.

F. Future Land Use Plan
That the granting of the variance would not substantially conflict with the Future Land Use Plan and the purposes of this Ordinance.

G. Utilization
That because of the conditions that create the need for the variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Insufficient Findings

The following types of possible findings alone do not constitute sufficient grounds for granting a variance:

A. That the property cannot be used for its highest and best use.
B. That there is only a financial or economic hardship.
C. That there is a self-created hardship by the property owner or its agent.
D. That the development objectives of the property owner are or will be frustrated.
E. The fact that property may be utilized more profitably should a variance be granted.

CITY OF UNIVERSAL CITY, TEXAS
Development Services Department
2150 UNIVERSAL CITY BOULEVARD, UNIVERSAL CITY,TX 78148
(210) 659-0333, Ext 220

NOTICE OF APPEAL FOR VARIANCE

Owner of Property:
Name Gloria M. Richard
Mailing Address 13706 Corinth U.C. TX 78148
Phone 210-394-4204 Email Texangranny@msn.com
Applicant or Authorized Agent:
Name Gloria M. Richard
Mailing Address 13706 Corinth
Phone 210-394-4204 Email Texangranny@msn.com

If applicant does not own property in question, a letter of authorization from the owner to apply for the request must accompany this application or the owner of record shall sign the application.

Request is hereby made to the Board of Adjustment for a determination on the following appeal which was denied by the Development Services Department. State specifics of appeal:

_____

_____

It is requested the Board of Adjustment:

1. Make the interpretation of Section_____, Subsection_____ of the Code of Ordinances as it applies to the property described.

2. Grant a variance or special exception to Section_____, Subsection_____ of the Code of Ordinances relating to: (Check all that apply to your appeal request)

☐ Lots ☐ Yards ☐ Principal Buildings ☐ Off-Street Parking
☐ Storage ☐ Accessory Buildings ☐ Visual Screens ☐ Fence
☐ Signs ☒ Other _____

Specifically: Patio extension

The location and description of the property involved in the appeal is:

Property Address 13706 Corinth
Legal Description: City Block 72 Lot 7 Subdivision UT-13 Unit ___
Lot Size: 0.3682 acres 16040 sq. ft

Present Improvements of Property: Specify what exists at this time on the property

_____

_____

_____

☐ Conforming Use ☐ Conforming Building/Structure

☐ Non-conforming Use ☐ Non-conforming Building/Structure

Proposed Use of Premises:

_____

The applicant believes the Board of Adjustment should approve this request for the following reason(s):

_____

_____

_____

Attach a copy, no larger than 11" x 17", of your plot plan/survey, a drawing or preliminary site plan of the property including the proposed request, dimensions of existing structures on the property as well as dimensions of the proposed request and setbacks that may apply to the property in question.

Has a previous application for appeal been filed?

☐ YES ☒ NO If yes, date: _____

I hereby certify the preceding information and any supporting documents submitted herewith are true and correct to the best of my knowledge. I hereby acknowledge that the requirements and regulations of my Home Owner's Association may differ and that, if applicable, it is my responsibility to notify and coordinate with my Home Owner's Association.

22 May 2020 Gloria M. Richard

Date Signature of Applicant

I understand any appeal to the decision of the Board of Adjustment shall be filed with the District Court of the State of Texas. The appeal must be requested within ten (10) days of the Board of Adjustment decision in accordance with Local Government Code, Section 211.011.

_____ _____

Date Signature of Applicant

Filing Fee Due: $150.00 Residential/Non-Profit $200.00 All Others/Commercial

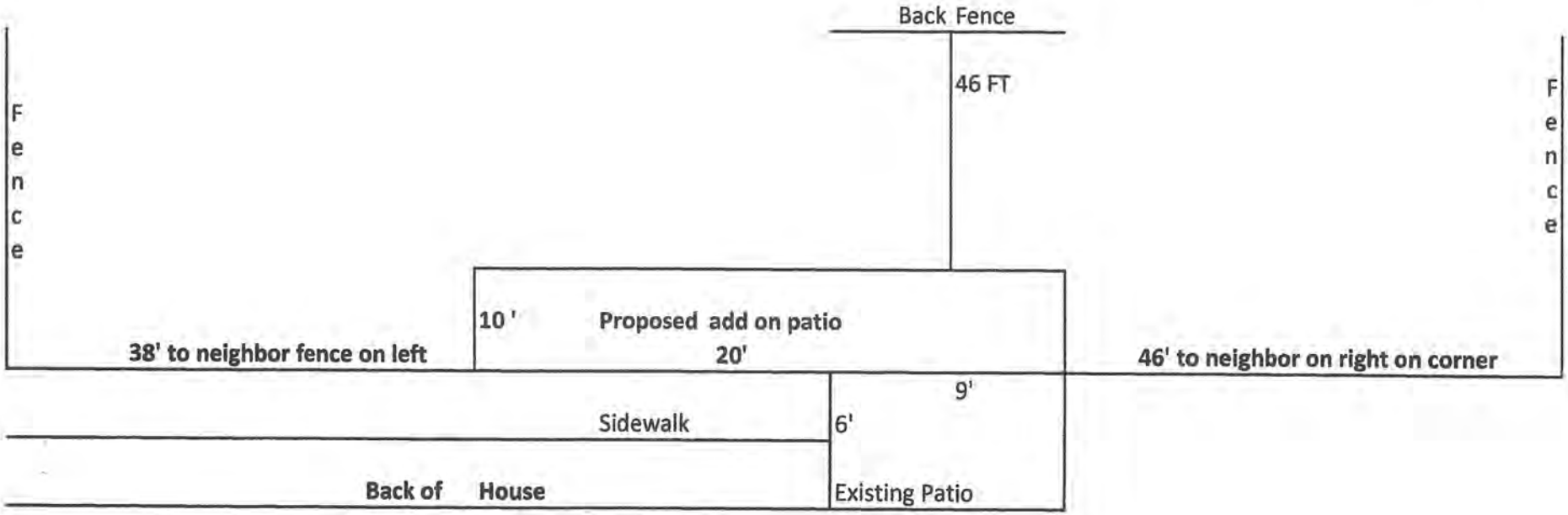
FOR OFFICE USE ONLY

Appeal No. _____ Fee: _____ Paid

Meeting Date _____

Legal Notice _____

Revised 11/2013



210-394-4204
Gloria Richard
13706 Corinth
UC TX 78148
Texangranny@msn.com

Facing front of house

Motion to Approve:

VC 661

I concur with the findings of fact as outlined in the variance application. Specifically,

- That there are extraordinary conditions affecting the land, including existing land constraints
- That the variance is necessary and essential to the preservation of substantial property rights
- That granting the variance will not be detrimental to the public health or safety
- That extraordinary conditions do not generally apply to other properties within the vicinity
- The unique conditions of the property were not created by the property owner
- The variance requested is in conformance with the City's Future Land Use Plan
- Approval of the variance requested allows the greatest utilization of the property

Therefore, I move to approve VC 661 and to grant a variance from Section 4-5-62 of the Zoning Code for the property at 13706 Corinth to allow a residential lot to exceed the 25-percent maximum lot coverage by approximately 11 percent or 1,750 square feet

CITY OF UNIVERSAL CITY

Date 12 June 2020

File V.C. 660

TO: Members of the Board of Adjustment

FROM: Michael Cassata, Development Services Director

SUBJECT: V.C. 660—A request for a variance at 16656 N IH-35 (Townplace Suites Hotel)

Specific Request

A request for a variance from the Zoning Code for property zoned C5–Highway Commercial at 16656 N IH-35 (CB 5046Q OLYMPIA HOTEL BLK 1 LOT 1) to exceed the maximum building height of 35 feet and allow a building height of 69 feet, per zoning ordinance 581.

Zoning

The property is owned by Universal Affiliates, LTD and is zoned C5–Highway Commercial. The Future Land Use Plan designates this property as HC–Highway Commercial.

Surrounding Uses

The property is surrounded by Interstate 35 Frontage Road to the north, commercial retail to the west, vacant land to the east, and the Olympia Hills golf course to the south.

Project Specifics

The owner has plans to build a 5-story Townplace Suites hotel by Marriott with a total proposed height just under 69 feet (68'-2"). The Zoning Code has a maximum height allowance of 35 feet; therefore, the applicant is requesting a variance to allow for a building height of 69 feet in the C5–Highway Commercial district.

The subject property is not located within the JBSA Randolph Air Installations Compatible Use Zones (AICUZ).

Findings of Fact

As part of its consideration on the proposed variance, the Board of Adjustment shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a nuisance may be created, and the probable effect of such variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity.

More specifically, as part of their deliberation, Board members should consider the following findings:

1. *Extraordinary Conditions.* That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of the Code will deprive the applicant of a reasonable use of the land. For example, a variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.
2. *Preservation of a Substantial Property Right.* That the variance is necessary for the preservation of a substantial property right of the applicant.

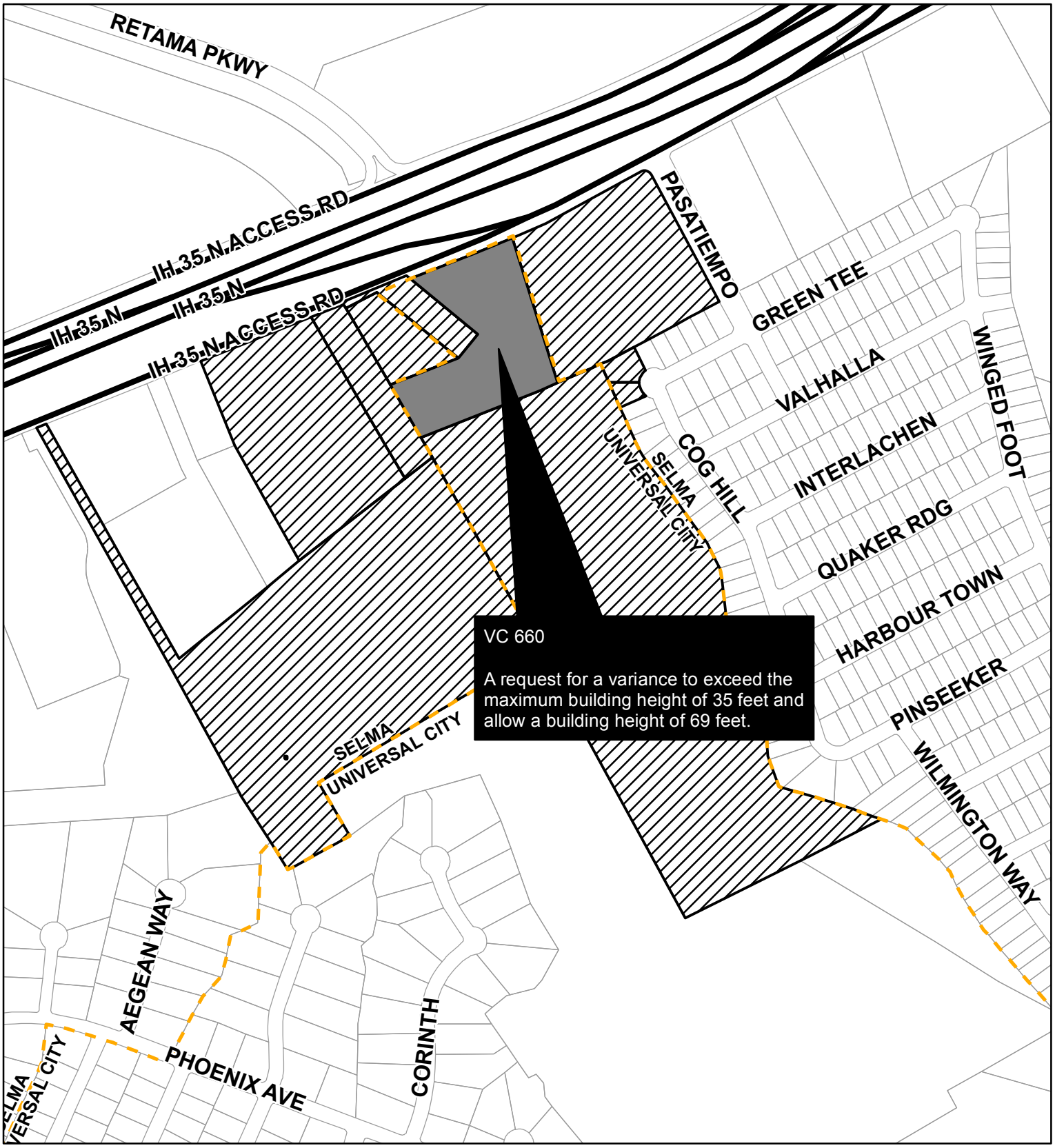
3. *Substantial Detriment.* That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering the Code.
4. *Other Property.* That the conditions that create the need for the variance do not generally apply to other property in the vicinity.
5. *Applicant's Actions.* 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.
6. *Future Land Use Plan.* That the granting of the variance would not substantially conflict with the Future Land Use Plan and the purposes of this chapter.
7. *Utilization.* That because of the conditions that create the need for the variance, the application of the Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Legal Notices

Per State law, 10 notices were mailed to property owners within 200 feet of the subject property. As of this memo, the City has not received any written responses or phone calls regarding this request.

Attachments:

Location Map
Hotel Elevations
Section 4-5-62
Variance Criteria
Application
Motion



VC 660
16656 N IH-35

Date Prepared: Tuesday, Apr. 14, 2020

N

Legend

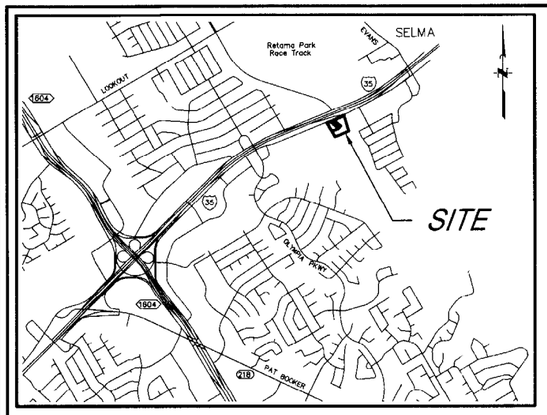
Affected Parcels

0 250 500 Feet

UNIVERSAL CITY
Gateway to Randolph AFB

The City of Universal City Texas
2150 Universal City Blvd
Universal City, TX 78148

DOC. NUMBER: 20190168753



LOCATION MAP
1" = 3,000'

SURVEYOR:

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
Texas Board of Professional Land Surveying Registration No. 100461-05
4350 Lockhill-Selma Road, Suite 100 • San Antonio, Texas 78249 • 210.494.5511

OWNER/DEVELOPER:

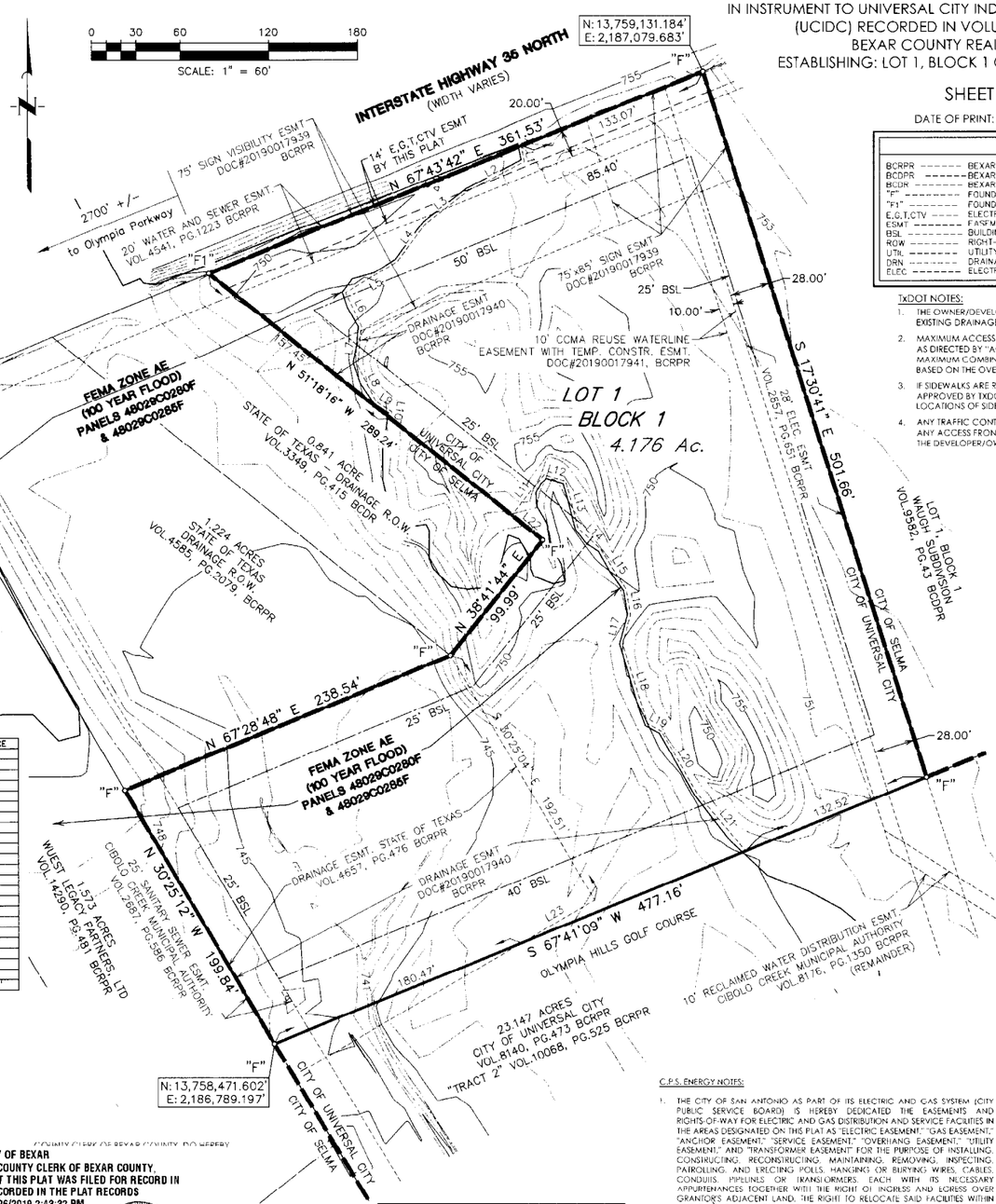
UNIVERSAL CITY INDUSTRIAL DEVELOPMENT CORPORATION (UCIDC)
2150 UNIVERSAL CITY BLVD.
UNIVERSAL CITY, TX 78148
(210) 619-0720

SUBDIVISION PLAT OF **OLYMPIA HOTEL**

BEING 4.176 ACRES OF LAND SITUATED IN THE TORIBIO HERRERA SURVEY NO. 68, COUNTY BLOCK 5046, CITY OF UNIVERSAL CITY, BEXAR COUNTY, TEXAS; BEING ALL OF THAT CERTAIN TRACT DESCRIBED AS 4.176 ACRES (TRACTS 1 & 2) IN INSTRUMENT TO UNIVERSAL CITY INDUSTRIAL DEVELOPMENT CORPORATION (UCIDC) RECORDED IN VOLUME 17059, PAGE 1140 OF THE BEXAR COUNTY REAL PROPERTY RECORDS ESTABLISHING: LOT 1, BLOCK 1 OF OLYMPIA HOTEL SUBDIVISION

SHEET 1 OF 1

DATE OF PRINT: April 26, 2019



LEGEND	
BCRPR ------	BEXAR COUNTY REAL PROPERTY RECORDS
BCDPR ------	BEXAR COUNTY DEED AND PLAT RECORDS
BCDR ------	BEXAR COUNTY DEED RECORDS
"F" ------	FOUND 1/2-INCH IRON ROD
"F1" ------	FOUND TXDOT CONCRETE MONUMENT
E,G,T,CTV ----	ELECTRIC, GAS, TELEPHONE, CABLE TELEVISION
ESMT ------	EASEMENT
BSL ------	BUILDING SETBACK LINE
ROW ------	RIGHT-OF-WAY
UTIL ------	UTILITY
DRN ------	DRAINAGE
ELEC ------	ELECTRIC

TxDOT NOTES:

1. THE OWNER/DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE EXISTING DRAINAGE SYSTEM WITHIN THE HIGHWAY RIGHT-OF-WAY.
2. MAXIMUM ACCESS POINTS TO STATE HIGHWAY FROM THIS PROPERTY WILL BE REGULATED AS DIRECTED BY "ACCESS MANAGEMENT MANUAL". THIS PROPERTY IS ELIGIBLE FOR A MAXIMUM COMBINED TOTAL OF ONE(1) ACCESS POINT ALONG INTERSTATE HIGHWAY 35 BASED ON THE OVERALL PLATTED FRONTAGE OF 361.53 FEET.
3. IF SIDEWALKS ARE REQUIRED BY CITY ORDINANCE, A SIDEWALK PERMIT MUST BE APPROVED BY TXDOT, PRIOR TO CONSTRUCTION WITHIN STATE RIGHT-OF-WAY. LOCATIONS OF SIDEWALKS WITHIN STATE RIGHT OF WAY SHALL BE AS DIRECTED BY TxDOT.
4. ANY TRAFFIC CONTROL MEASURES (LEFT-TURN LANE, RIGHT-TURN LANE SIGNAL, ETC.) FOR ANY ACCESS FRONTING A STATE MAINTAINED ROADWAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER.

GENERAL NOTES

1. ALL BOUNDARY CORNERS OF THIS SUBDIVISION ARE MONUMENTED ON THE GROUND WITH 1/2-INCH DIAMETER IRON RODS (UNLESS OTHERWISE NOTED).
2. THE GRAPHIC LOCATION OF THE SUBJECT TRACT SUPERIMPOSED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP, COMMUNITY PANELS NO. 48029C280F AND 48029C285F, EFFECTIVE DATE SEPTEMBER 29, 2010, INDICATES THAT A PORTION OF THE SUBJECT TRACT IS LOCATED WITHIN ZONE "AE" WHICH IS DEFINED BY FEMA AS "100-YEAR FLOOD HAZARD AREA WITH BASE FLOOD ELEVATIONS DETERMINED"; AND THE REMAINING PORTIONS OF THE SUBJECT TRACT ARE LOCATED WITHIN ZONE "X" (SHADED) DEFINED BY FEMA AS "AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD." THIS STATEMENT DOES NOT IMPLY THAT ANY PORTION OF THE SUBJECT TRACT IS TOTALLY FREE OF POTENTIAL FLOOD HAZARD. LOCALIZED FLOODING CAN OCCUR DUE TO NATURAL AND/OR MAN-MADE INFLUENCES. THIS FLOOD STATEMENT SHALL NOT CREATE ANY LIABILITY ON THE PART OF JONES | CARTER OR THE UNDERSIGNED.
3. ALL BEARINGS, DISTANCES, AREAS AND COORDINATES SHOWN HEREON ARE TEXAS COORDINATE SYSTEM GRID, SOUTH CENTRAL ZONE, AS ESTABLISHED BY GLOBAL POSITIONING SYSTEM WITH NGS OPUS POST PROCESSING. THE GRID TO SURFACE SCALE FACTOR FOR DISTANCES IS 1.000160.
4. ALL ELEVATIONS SHOWN HEREON ARE NAVD88 AS ESTABLISHED BY GLOBAL POSITIONING SYSTEM.
5. WATER AND WASTEWATER IMPACT FEES SHALL BE ASSESSED FOR THE PROPOSED LOT AT THE TIME OF FINAL PLAT APPROVAL ACCORDING TO THE RATES SHOWN IN ORDINANCE NO. 593. IMPACT FEES WILL BE COLLECTED PRIOR TO THE RELEASE OF THE BUILDING PERMIT.
6. THE DEVELOPER SHALL VERIFY BY ELEVATION THE LIMITS OF THE 500-YEAR FLOOD PLAIN PER ELEVATIONS SHOWN ON THE OFFICIAL F.E.M.A. FLOOD INSURANCE RATE MAP. THE FINISHED FLOOR ELEVATION FOR ANY LOT ADJACENT TO THE FLOOD PLAIN IS TO BE LOCATED A MINIMUM OF 12-INCHES (12") ABOVE THE HIGHEST 500-YEAR FLOOD PLAIN ELEVATIONS.
7. LOT 1, BLOCK 1 IS SITUATED WITHIN ZONE "C5" (HIGHWAY COMMERCIAL) AND IS THEREFORE SUBJECT TO THE RESTRICTIONS STIPULATED BY THE CITY OF UNIVERSAL CITY ZONING ORDINANCE NO. 581 FOR SAID ZONE.
8. THE CITY OF UNIVERSAL CITY SHALL HAVE AT ALL TIMES THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL PARTS OF THEIR RESPECTIVE SYSTEMS.
9. CIBOLO CREEK MUNICIPAL AUTHORITY (CCMA) SHALL HAVE AT ALL TIMES THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL PARTS OF THEIR RESPECTIVE SYSTEMS. CONSTRUCTION PLANS FOR IMPROVEMENTS CROSSING OR WITHIN CCMA EASEMENTS MUST BE APPROVED BY CCMA PRIOR TO CONSTRUCTION.
10. CIBOLO CREEK MUNICIPAL AUTHORITY (CCMA) IS HEREBY GRANTED PERPETUAL INGRESS/EGRESS RIGHTS WITHIN THE SUBJECT LOT, AND CROSS ACCESS RIGHTS THROUGH THE SUBJECT LOT BETWEEN INTERSTATE HIGHWAY 35 AND THE MUNICIPAL GOLF COURSE LOCATED SOUTH OF THE PROPERTY, TO SERVICE UTILITIES. NO DEVELOPMENT DESIGN WILL BE APPROVED WHICH IMPEDES SAID RIGHTS.
11. THE CITY OF UNIVERSAL CITY IS HEREBY GRANTED PERPETUAL INGRESS/EGRESS RIGHTS WITHIN THE SUBJECT LOT, AND CROSS ACCESS RIGHTS THROUGH THE SUBJECT LOT BETWEEN INTERSTATE HIGHWAY 35 AND THE MUNICIPAL GOLF COURSE LOCATED SOUTH OF THE PROPERTY, TO SERVICE UTILITIES AND TO ACCESS THE GOLF COURSE MAINTENANCE BARN. NO DEVELOPMENT DESIGN WILL BE APPROVED WHICH IMPEDES SAID RIGHTS.
12. CONSTRUCTION PLANS FOR IMPROVEMENTS CROSSING OR WITHIN CIBOLO CREEK MUNICIPAL AUTHORITY (CCMA) EASEMENTS MUST BE APPROVED BY CCMA PRIOR TO CONSTRUCTION.

C.P.S. ENERGY NOTES:

1. THE CITY OF SAN ANTONIO AS PART OF ITS ELECTRIC AND GAS SYSTEM (CITY PUBLIC SERVICE BOARD) IS HEREBY DEDICATED THE EASEMENTS AND RIGHTS-OF-WAY FOR ELECTRIC AND GAS DISTRIBUTION AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT," "GAS EASEMENT," "ANCHOR EASEMENT," "SERVICE EASEMENT," "OVERHANG EASEMENT," "UTILITY EASEMENT," AND "TRANSFORMER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, PATROLLING, AND ERECTING POLES, HANGING OR BURYING WIRES, CABLES, CONDUITS, PIPELINES OR TRANSFORMERS, EACH WITH ITS NECESSARY APPURTENANCES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LAND, THE RIGHT TO RELOCATE SAID FACILITIES WITHIN SAID EASEMENT AND RIGHT OF WAY AREAS, AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF SAID LINES OR APPURTENANCES THERETO. IT IS AGREED AND UNDERSTOOD THAT NO BUILDINGS, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN SAID EASEMENT AREA.
2. ANY CPS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS EQUIPMENT, LOCATED WITHIN SAID EASEMENT, DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATION.
3. THIS PLAT DOES NOT AMEND, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 11°18'16" E	10.80'
L2	S 62°27'00" W	42.98'
L3	S 52°07'12" W	36.18'
L4	S 36°52'38" W	32.21'
L5	S 58°53'38" W	40.93'
L6	S 25°19'18" E	24.98'
L7	S 05°12'16" W	26.90'
L8	S 26°45'35" E	27.53'
L9	S 56°53'18" E	12.53'
L10	S 09°04'09" W	4.68'
L11	N 38°41'44" E	35.03'
L12	S 73°29'34" E	15.37'
L13	S 14°36'15" E	32.73'
L14	S 47°01'05" E	20.98'
L15	S 32°27'53" E	32.31'
L16	S 09°39'25" E	17.09'
L17	S 15°10'27" W	20.63'
L18	S 17°19'18" E	56.69'
L19	S 60°56'52" E	10.57'
L20	S 29°54'03" E	48.65'
L21	S 39°49'03" E	51.06'
L22	N 51°18'16" W	26.82'
L23	S 59°34'48" W	236.02'

LINE LEGEND	
750	EXISTING CONTOURS (MAJOR)
749	EXISTING CONTOURS (MINOR)
	EXISTING EASEMENT LINE
	PROPOSED EASEMENT LINE
	BUILDING SETBACK LINE
	BOUNDARY/PROPERTY LINE
	CITY LIMIT LINE

STATE OF TEXAS
COUNTY OF BEXAR

WE, UCIDC, ARE THE OWNER OF LAND SHOWN ON THE FOREGOING INSTRUMENT, AND HEREBY DEDICATE ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND RIGHTS-OF-WAY TO THE USE OF THE PUBLIC FOREVER, AND EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION EXPRESSED HEREIN.

Richard Crow
OWNER

DULY AUTHORIZED AGENT
UCIDC
RICHARD CROW, PRESIDENT
2150 UNIVERSAL CITY BLVD.
UNIVERSAL CITY, TX 78148

STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED RICHARD CROW KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

DAY OF May 9 2019

Kristin Mueller
NOTARY PUBLIC
BEXAR COUNTY, TEXAS

KRISTIN MUELLER
Notary Public, State of Texas
Comm. Expires 12-30-2019
Notary ID 130482422

STATE OF TEXAS
COUNTY OF BEXAR

AS CITY ENGINEER OF THE CITY OF UNIVERSAL CITY, I HEREBY CERTIFY THAT THE SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH HIS APPROVAL IS REQUIRED.

THIS THE 3rd DAY OF May 2019

Ron J. Branyon
CITY ENGINEER

STATE OF TEXAS
COUNTY OF BEXAR

THIS FINAL PLAT OF THE HEREIN DESCRIBED PROPERTY APPROVED BY THE DEPARTMENT OF DEVELOPMENT SERVICES OF THE CITY OF UNIVERSAL CITY, TEXAS.

THIS THE 13 DAY OF May 2019

DIRECTOR OF DEVELOPMENT SERVICES

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN IN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT.

REGISTERED PROFESSIONAL ENGINEER
5/1/2019

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.

Michael A. Romans
REGISTERED PROFESSIONAL LAND SURVEYOR
2019-05-01
RPLS 4657

STATE OF TEXAS
COUNTY OF BEXAR

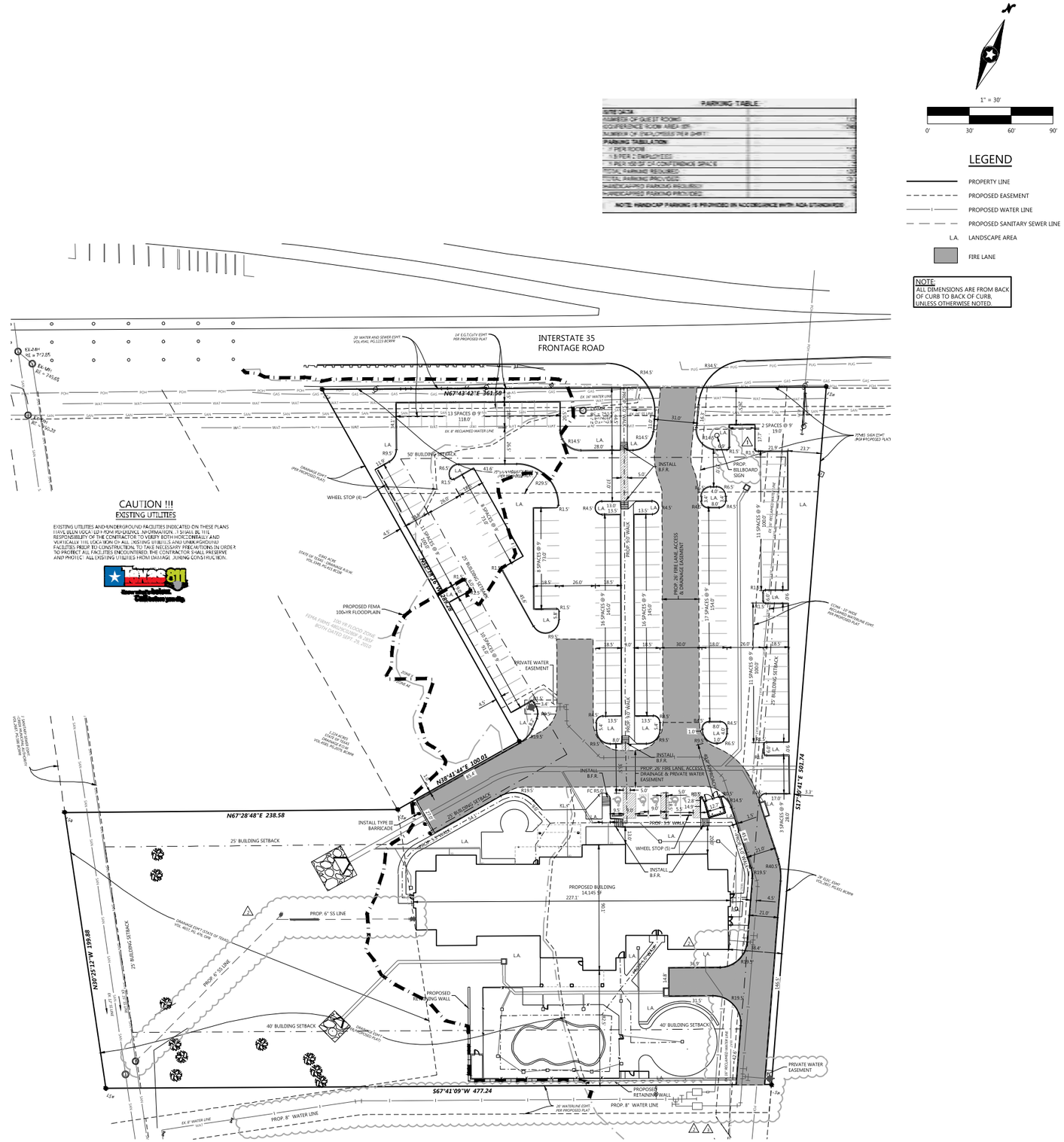
COUNTY CLERK OF BEXAR COUNTY, DO HEREBY

STATE OF TEXAS, COUNTY OF BEXAR
I, LUCY ADAME-CLARK, COUNTY CLERK OF BEXAR COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE AND DULY RECORDED IN THE PLAT RECORDS OF BEXAR COUNTY ON: 8/26/2019 2:43:32 PM
PLAT VOLUME: 20001 PAGE: 1352
AMOUNT: $82.00
IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE,
COUNTY CLERK, BEXAR COUNTY, TEXAS

BY: _____ DEPUTY

Job No. S0305-0020-03

Date: Apr 26, 2019 11:40am User ID: MAR
File: P:\JNC&CT\S\S0305 UCDC\020 Olympia Hills 14 green\Survey\Drawings\Plat\S0305-0020-03 OLYMPIA HOTEL FINAL PLAT 2019-04-02.dwg



PARKING TABLE	
SITE DATA	
NUMBER OF GUEST ROOMS	[illegible]
CONFERENCE ROOM AREA (SF)	[illegible]
NUMBER OF EMPLOYEES PER SHIFT	[illegible]
PARKING TABULATION	
1 PER ROOM	[illegible]
1.5 PER 2 EMPLOYEES	[illegible]
1 PER 150 SF OF CONFERENCE SPACE	[illegible]
TOTAL PARKING REQUIRED	[illegible]
TOTAL PARKING PROVIDED	[illegible]
HANDICAPPED PARKING REQUIRED	[illegible]
HANDICAPPED PARKING PROVIDED	[illegible]

NOTE: HANDICAP PARKING IS PROVIDED IN ACCORDANCE WITH ADA STANDARDS

1" = 30'

0' 30' 60' 90'

LEGEND

- PROPERTY LINE
- PROPOSED EASEMENT
- PROPOSED WATER LINE
- PROPOSED SANITARY SEWER LINE
- L.A. LANDSCAPE AREA
- FIRE LANE

NOTE:
ALL DIMENSIONS ARE FROM BACK OF CURB TO BACK OF CURB, UNLESS OTHERWISE NOTED.

jrk DESIGN
3559 Williams Rd
Suite 105
Fort Worth, TX. 76116
phone. 817.680.5921
www.jrkdesign.us

Westwood
Phone (210) 355-5300
Toll Free (888) 937-5150
Westwood Professional Services, Inc.
1718 Dry Creek Way, Suite 110
San Antonio, TX 78259
www.westwoodps.com

Architect:
Randal Z. Kelly
randy.kelly@jrkdesign.us

Project Manager:
John Ruckle
john.ruckle@jrkdesign.us

TOWNEPLACE SUITES® BY MARRIOTT
GENERATION: 4
DECOR: TurningPoint2.0

Revisions

1	11-01-2019 ADDED PROPOSED BILLBOARD SIGN
2	02-11-2020 ADDRESSED CITY COMMENTS
3	03-18-2020 ADDRESSED CITY COMMENTS
4	03-24-2020 ADDRESSED TAS COMMENTS

TOWNEPLACE SUITES® BY MARRIOTT
16656 N. I. 35
UNIVERSAL CITY, TX 78148

CD MARRIOTT SUBMITTAL
JULY 19, 2019
TX-

sheet description
SITE PLAN

sheet number
1.02

STATE OF TEXAS
ARLYN W. SAMUELSON
95877
LICENSED
PROFESSIONAL ENGINEER
07-19-19

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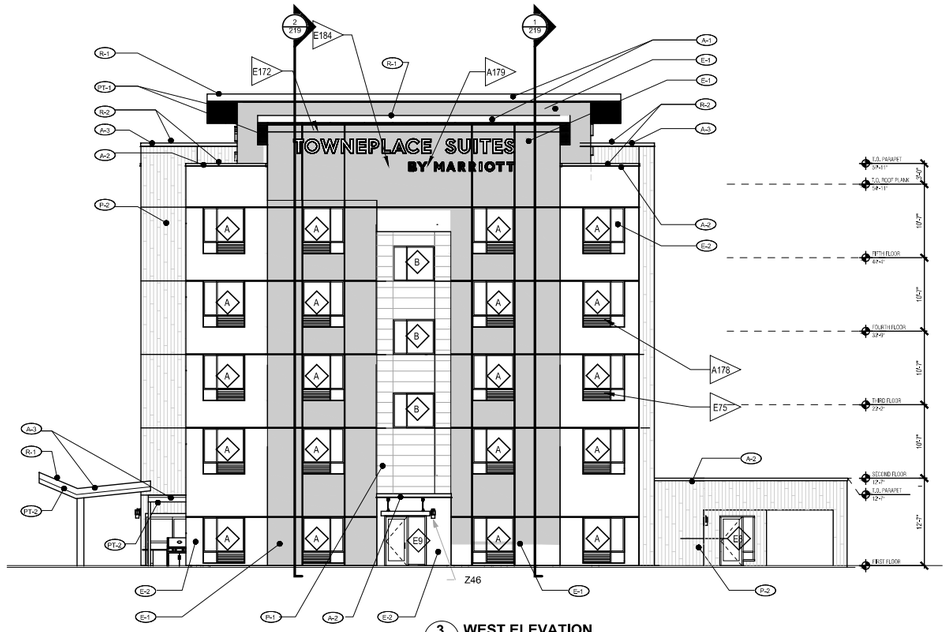
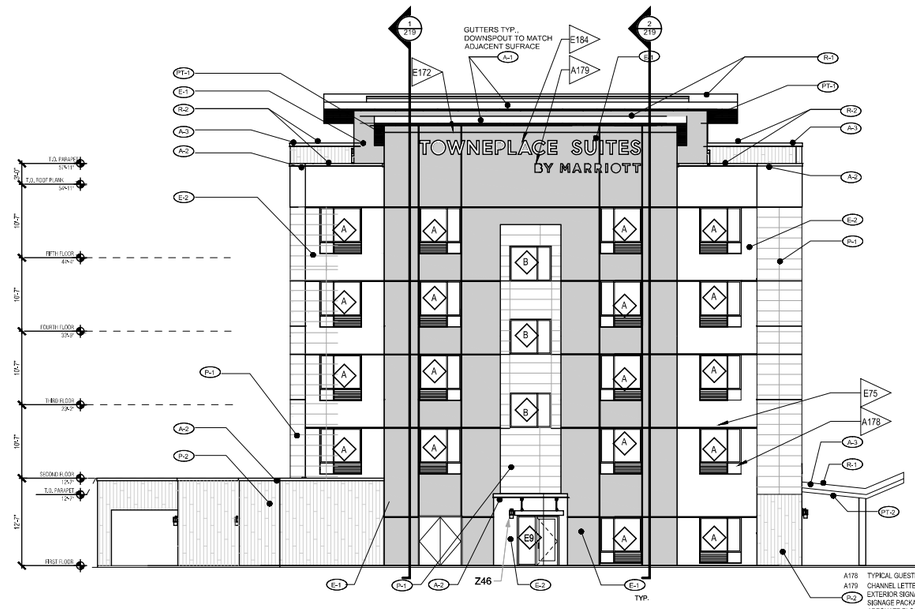


3 WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 EAST ELEVATION
SCALE: 1/8" = 1'-0"

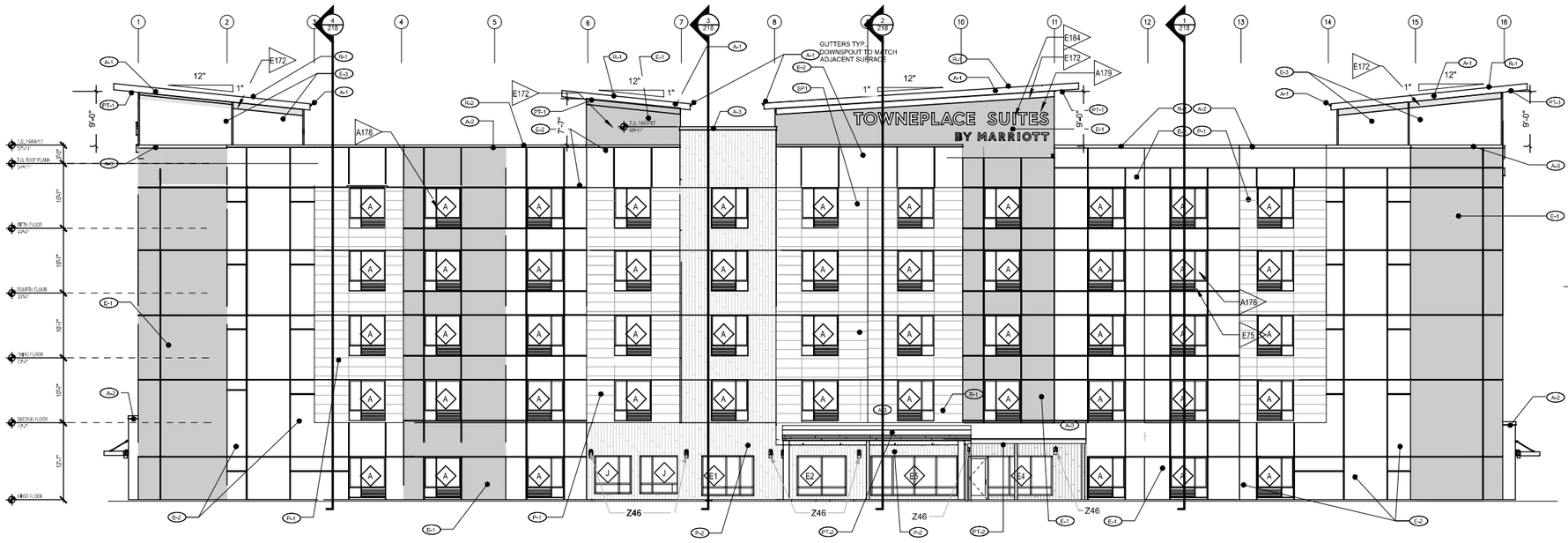
A178 TYPICAL GUESTROOM WINDOW

A179 CHANNEL LETTER SIGNAGE AT FACE OF BUILDING, SEE EXTERIOR SIGNAGE SPECIFICATIONS - EXTERIOR SIGNAGE PACKAGE FOR REQUIREMENTS. PROVIDE ADEQUATE BLOCKING BEHIND WALL FOR SIGNAGE REF SIGN

E75 PTAC LOUVER INTEGRAL WITH WINDOW FRAME. FINISH TO MATCH WINDOW FRAME.

E172 FOR STANDARD LINEAR LIGHT FIXTURE (204). PROVIDE CONTINUOUS BAND OF LIGHT TO ILLUMINATE BOTTOM OF SOFFIT.

E184 AT EXTERIOR SIGNAGE PROVIDE ACCESS FOR MOUNTING ELECTRICAL COMPONENTS AND MAKING FINAL ELECTRICAL CONNECTIONS. PROVIDE ADEQUATE DEDICATED CIRCUITRY BROUGHT TO SIGN LOCATION FROM ELECTRICAL PLANK.



1 5 STORIES NORTH ELEVATION
SCALE: 1/8" = 1'-0"

EXTERIOR FINISH INDEX

		COLOR
E-1	AAC W/ SCORES	BENJAMIN MOORE WEIMARANER NO. AF-155
E-2	AAC W/ SCORES	BENJAMIN MOORE SHAKESPEARE TAN No. 228
E-3	AAC	WHITE DIAMOND
P-1	SCORED AAC	CARRIAGE RED BMCW 250
P-2	SCORED AAC	TOBACCO EPC247N
A-1	ALUMINUM COPING	AAMA 2605 TO MATCH BM BUCKHORN No. 987
A-2	ALUMINUM COPING - COLOR TO MATCH ADJACENT SURFACE	
A-3	ALUMINUM COPING	AAMA 2605 TO MATCH WHITE DIAMOND
R-1	MEMBRANE ROOFING - SLOPED	
R-2	MEMBRANE ROOFING	
PT-1	PAINTED SURFACE	PAINTED TO MATCH WHITE DIAMOND
PT-2	PAINTED SURFACE	PAINTED TO MATCH WHITE DIAMOND

0' 2' 4' 8'

jrk design
3559 Williams Rd
Suite 105
Fort Worth, TX. 76116
phone. 817.680.5921
www.jrkdesign.us

Architect:
Randal Z. Kelly
randy.kelly@jrkdesign.us
Project Manager:
John Ruckle
john.ruckle@jrkdesign.us

TOWNEPLACE SUITES® BY MARRIOTT
GENERATION 4 TownePlace3.2.0 05/30/18

Revisions
1 CITY COMMENTS 18MAR20

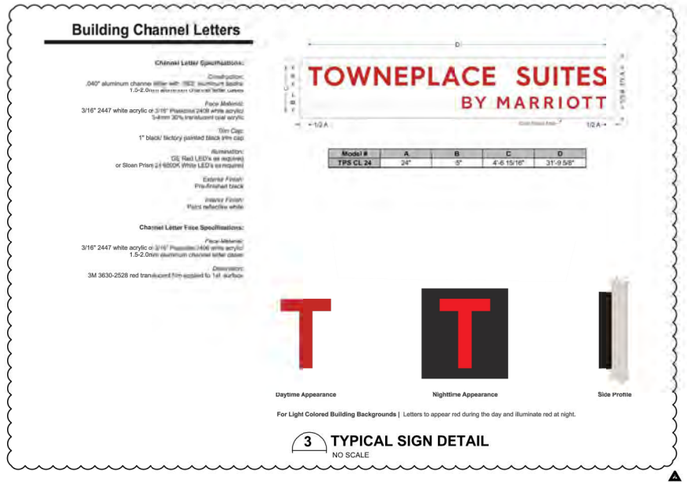
TOWNEPLACE SUITES® BY MARRIOTT
16656 N. I. 35
UNIVERSAL CITY, TX 78148

CITY COMMENTS SUBMITTAL
MAR 18, 2019
TX-

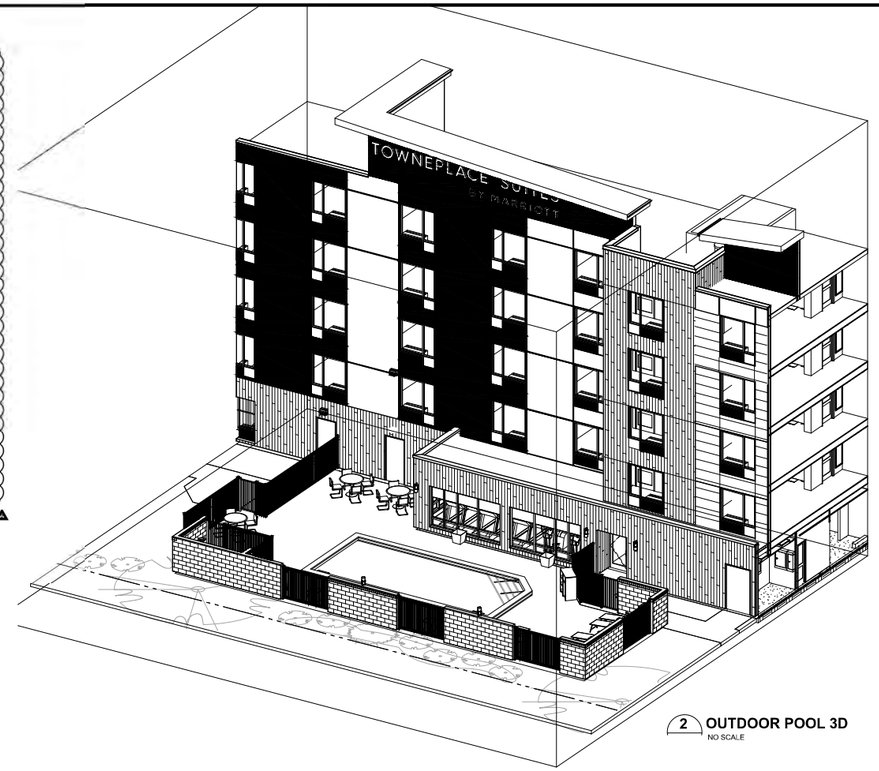
sheet description
BUILDING EXTERIOR ELEVATIONS

sheet number
211

REGISTERED ARCHITECT RANDAL Z. KELLY 24769 STATE OF TEXAS
3/18/2020



3 TYPICAL SIGN DETAIL
NO SCALE



2 OUTDOOR POOL 3D
NO SCALE

A ARCHITECTURAL

A178 TYPICAL GUESTROOM WINDOW

A179 CHANNEL LETTER SIGNAGE AT FACE OF BUILDING, SEE EXTERIOR SIGNAGE SPECIFICATIONS - EXTERIOR SIGNAGE PACKAGE FOR REQUIREMENTS. PROVIDE ADEQUATE BLOCKING BEHIND WALL FOR SIGNAGE REF SA212

E ENGINEERING

E75 PTAC LOUVER INTEGRAL WITH WINDOW FRAME. FINISH TO MATCH WINDOW FRAME.

E172 FOR STANDARD LINEAR LIGHT FIXTURE (234), PROVIDE CONTINUOUS BAND OF LIGHT TO ILLUMINATE BOTTOM OF SOFFIT.

E184 AT EXTERIOR SIGNAGE PROVIDE ACCESS FOR MOUNTING ELECTRICAL COMPONENTS AND MAKING FINAL ELECTRICAL CONNECTIONS. PROVIDE ADEQUATE DEDICATED CIRCUITRY BROUGHT TO SIGN LOCATION FROM ELECTRICAL PANEL.

EXTERIOR FINISH INDEX

		COLOR
E-1	AAC W/ SCORES	BENJAMIN MOORE WEIMARANER NO. AF-155
E-2	AAC W/ SCORES	BENJAMIN MOORE SHAKESPEARE TAN No. 228
E-3	AAC	WHITE DIAMOND
P-1	SCORED AAC	CARRIAGE RED BMCW 250
P-2	SCORED AAC	TOBACCO EPC247N
A-1	ALUMINUM COPING	AAMA 2605 TO MATCH BM BUCKHORN No. 987
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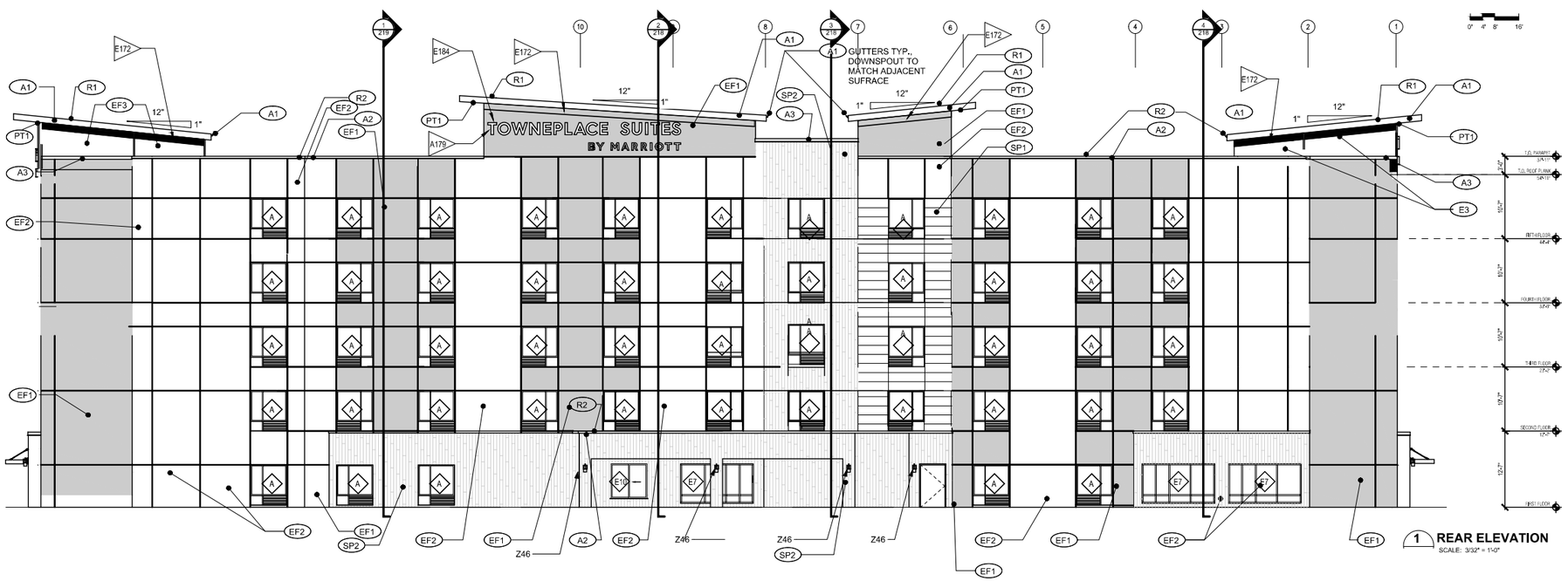
R-1	MEMBRANE ROOFING - SLOPED	
R-2	MEMBRANE ROOFING	
PT-1	PAINTED SURFACE	PAINTED TO MATCH WHITE DIAMOND
PT-2	PAINTED SURFACE	PAINTED TO MATCH WHITE DIAMOND



1 REAR ELEVATION
SCALE: 3/32" = 1'-0"

jrk DESIGN
3559 Williams Rd
Suite 105
Fort Worth, TX. 76116
phone. 817.680.5921
www.jrkdesign.us

Architect:
Randal Z. Kelly
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Project Manager:
John Ruckle
john.ruckle@jrkdesign.us

TOWNEPLACE SUITES® BY MARRIOTT
GENERATION: 4
DECOR: TwinningPointS 2.0

Revisions

2 CITY COMMENTS 18MAR20

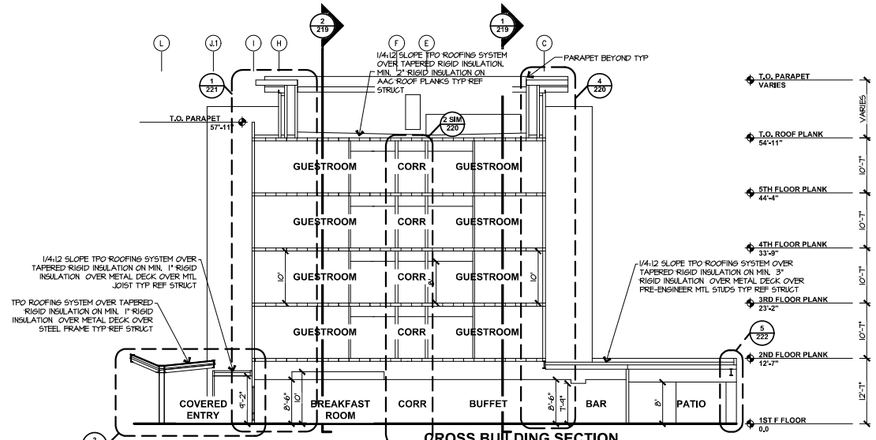
TOWNEPLACE SUITES® BY MARRIOTT
16656 N. I. 35
UNIVERSAL CITY, TX 78148

CITY COMMENTS SUBMITTAL
MAR 18, 2019
TX-

sheet description
BUILDING EXTERIOR ELEVATIONS

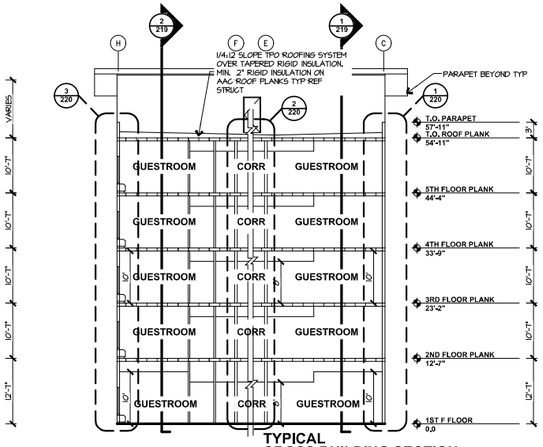
sheet number
212

REGISTERED ARCHITECT
RANDAL Z. KELLY
24769
STATE OF TEXAS
3/18/2020



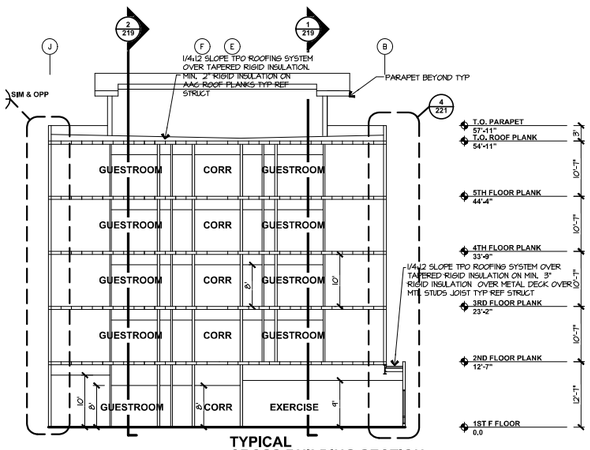
CROSS BUILDING SECTION THRU COVERED ENTRY, BREAKFAST ROOM & PATIO

2 3/32"=1'-0"



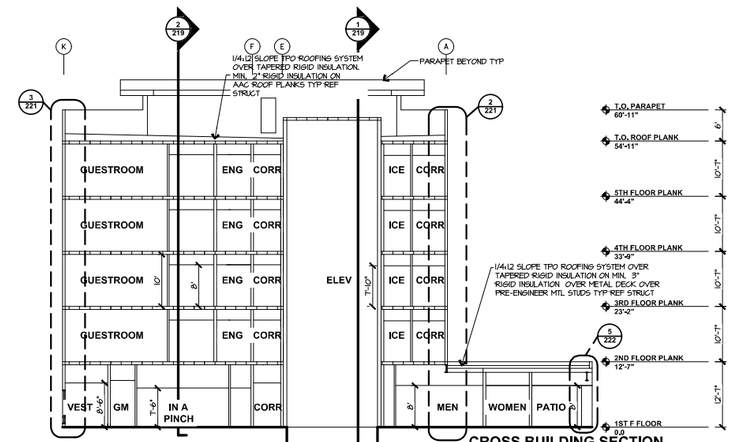
TYPICAL CROSS BUILDING SECTION THRU GUESTROOMS

1 3/32"=1'-0"



TYPICAL CROSS BUILDING SECTION THRU GUESTROOMS

4 3/32"=1'-0"



CROSS BUILDING SECTION THRU VESTIBULE, ELEVATOR PUBLIC RR & PATIO

3 3/32"=1'-0"

BUILDING SECTIONS

3/32" = 1'-0"

0 4 8 16 32

jrk DESIGN
3559 Williams Rd
Suite 105
Fort Worth, TX. 76116
phone. 817.680.5921
www.jrkdesign.us

Architect:
Randal Z. Kelly
randy.kelly@jrkdesign.us
Project Manager:
John Ruckle
john.ruckle@jrkdesign.us

TOWNEPLACE SUITES® BY MARRIOTT

GENERATION: 4
DECOR: TurningPoint$ 2.0

Revisions

TOWNEPLACE SUITES® BY MARRIOTT
16656 N. I. 35
UNIVERSAL CITY, TX 78148

BRAND/CITY SUBMITTAL

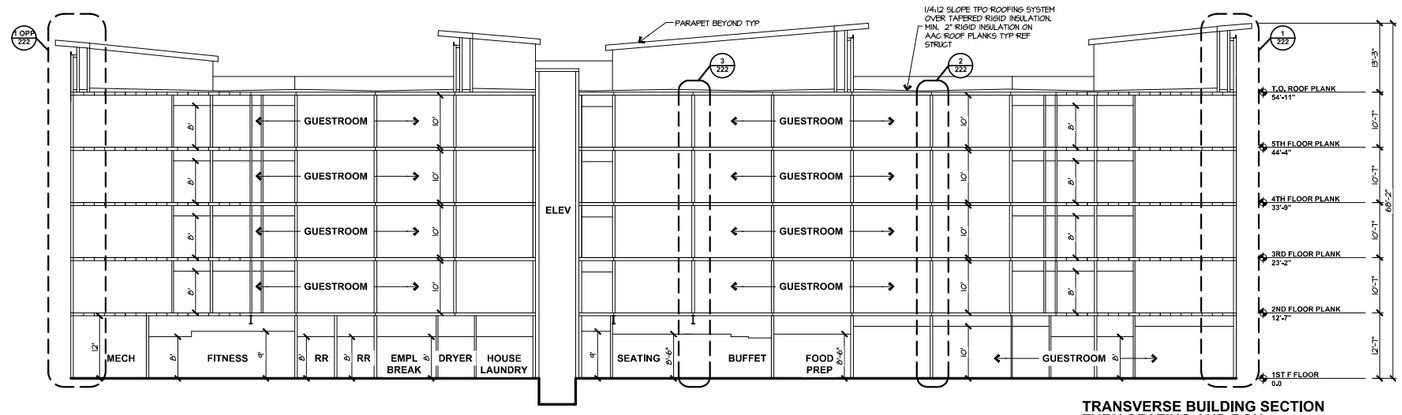
OCT 25, 2019

TX-

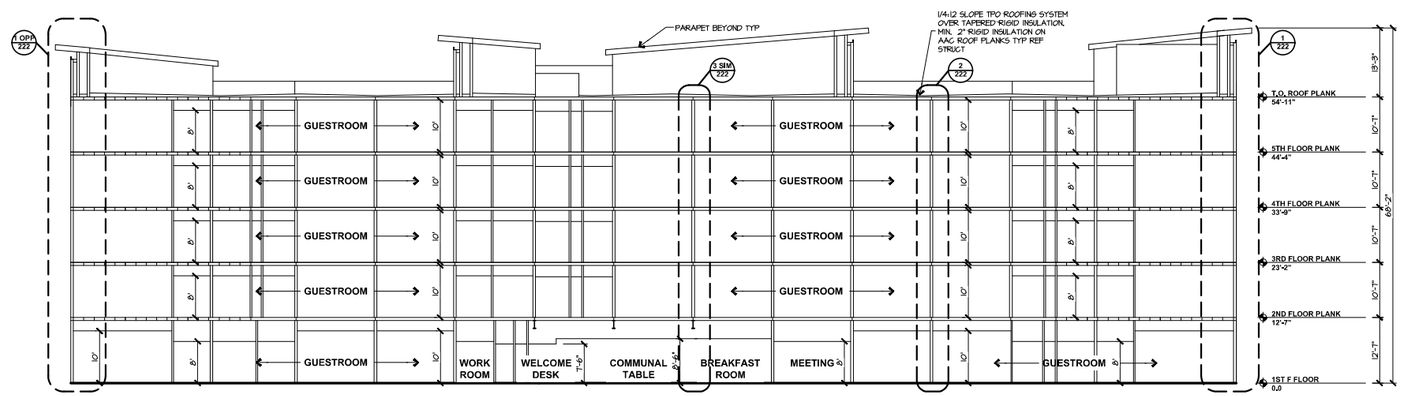
sheet description
CROSS BUILDING SECTION

sheet number
218

REGISTERED ARCHITECT RANDAL Z. KELLY 24769 STATE OF TEXAS
10/25/2019



1 TRANSVERSE BUILDING SECTION THRU SEATING AND BOH
3/32"=1'-0"



2 TRANSVERSE BUILDING SECTION THRU GUESTROOMS AND PUBLIC AREAS
3/32"=1'-0"

BUILDING SECTIONS
3/32" = 1'-0"

0 4 8 16 32

jrk DESIGN
3559 Williams Rd
Suite 105
Fort Worth, TX. 76116
phone. 817.680.5921
www.jrkdesign.us

Architect:
Randal Z. Kelly
randy.kelly@jrkdesign.us
Project Manager:
John Ruckle
john.ruckle@jrkdesign.us

TOWNEPLACE SUITES® BY MARRIOTT
GENERATION: 4
DECOR: TurningPoint3.2.0

Revisions

TOWNEPLACE SUITES® BY MARRIOTT
16656 N. I. 35
UNIVERSAL CITY, TX 78148

BRAND/CITY SUBMITTAL
OCT 25, 2019
TX-

sheet description
TRANSVERSE BUILDING SECTION

sheet number
219

REGISTERED ARCHITECT RANDAL Z. KELLY 24769 STATE OF TEXAS
10/25/2019

District Code	Zoning District				SETBACKS			Maximum Building Height	Maximum Lot Cover (%)	^Maximum Impervious Cover (%)
		Maximum Development Density (units/ac)	Minimum Lot Area (ft ^{2})	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard			
	RESIDENTIAL									
R1	Large Lot Residential	3	7,500	65	25	10	10	35	25	30
R2	Low Density Residential	5	6,500	55	25	10	5	35	40	35
R3	Medium Density Residential	7	6,000	50	20	5	5	35	50	45
R4	High Density Residential	12	3,500	40	15*	5	5	35	60	50
R-OT	"Old Town" Residential	16	4,000	35	15	5	5	35	55	55
R5	Multifamily Residential	20	8,000	75	25	20	15	35	65	55
MH1	Manufactured Housing	5	6,500	55	20	10	5	35	40	35
MH2	Mobile Home Park	4	7,500	55	20	10	5	35	40	35
	NONRESIDENTIAL									
C1	Neighborhood Services	-	-	50	20	20	10	30	-	^70
C2	Retail	-	-	70	15	15	15	35	-	^65
C3	Commercial Services	-	-	70	15	15	15	35	-	^65
C4	General Commercial	-	-	70	40	35	20	35	-	^75
C5	Highway Commercial	-	-	100	50	40	25	35	-	^75
PARK	Park	-	-	na	na	na	na	na	-	na

Criteria for Granting a Variance, Findings Required

The Board of Adjustment shall prescribe only conditions that it deems not prejudicial to the public interest and shall enumerate its decision with findings of fact. In making the required findings, the Board of Adjustment shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a nuisance may be created, and the probable effect of such variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity. No variance shall be granted unless the Board of Adjustment finds all of the following:

A. Extraordinary Conditions
That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of a reasonable use of the land. For example, a variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.

B. Preservation of a Substantial Property Right
That the variance is necessary for the preservation of a substantial property right of the applicant.

C. Substantial Detriment
That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code.

D. Other Property
That the conditions that create the need for the variance do not generally apply to other property in the vicinity.

E. Applicant's Actions
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.

F. Future Land Use Plan
That the granting of the variance would not substantially conflict with the Future Land Use Plan and the purposes of this Ordinance.

G. Utilization
That because of the conditions that create the need for the variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Insufficient Findings

The following types of possible findings alone do not constitute sufficient grounds for granting a variance:

A. That the property cannot be used for its highest and best use.
B. That there is only a financial or economic hardship.
C. That there is a self-created hardship by the property owner or its agent.
D. That the development objectives of the property owner are or will be frustrated.
E. The fact that property may be utilized more profitably should a variance be granted.

CITY OF UNIVERSAL CITY, TEXAS

Development Services Department
2150 UNIVERSAL CITY BOULEVARD, UNIVERSAL CITY, TX 78148

(210) 659-0333, Ext 723

NOTICE OF APPEAL FOR VARIANCE

Owner of Property:

Name: Universal Affiliates, LTD - Michael Fallek, Manager of GP

Mailing Address: 4316 N 10th St, McAllen TX 78504

Phone: 956-687-5217; 956-702-4111 Email: mfallek@rgv.rr.com; brandonw@alamosystemllc.com

Applicant of Authorized Agent:

Name: Same as Owner of Property

Mailing Address: _____

Phone: _____ Email: _____

If applicant does not own property in question, a letter of authorization from the owner to apply for the request must accompany this application or the owner of record shall sign the application.

Request is hereby made to the Board of Adjustment for a determination on the following appeal which was denied by the Development Services Department. State specifics of appeal:

Denied under *City of Universal City Code of Ordinances: Part IV-Property & Structures; Chapter 4-5 - Zoning; Article VI - Lot Design Standards, Section 4-5-62 – Lot Standards Table* maximum building height of 35-ft; requesting a variance to allow for a maximum building height of 69-ft for the proposed principal building.

It is requested the Board of Adjustment:

1. Make the interpretation of Section_____, Subsection_____ of the Code of Ordinances as it applies to the property described. ***Not Applicable***

2. Grant a variance or special exception to Section 4-5, Subsection 62 of the Code of Ordinances relating to: (Check all that apply to your appeal request)

☐ Lots ☐ Yards ☒ Principal Buildings ☐ Off-Street Parking ☐ Storage ☐ Accessory Buildings ☐ Visual Screens ☐ Fence ☐ Signs ☐ Other_____

Specifically: Variance to the maximum building height of 35-ft to allow a maximum building height of 69-ft

The location and description of the property involved in the appeal is:

Property Address 16656 N IH-35, Universal City TX 78148

Legal Description: City Block 1 Lot 1 Subdivision Olympia Hotel Unit N/A

Lot Size: 4.176 Acres

Present improvements of Property: Specify what exists at this time on the property

Property is presently a golf course with no permanent structures

☐ Conforming Use ☐ Conforming Building/Structure

☐ Non-Conforming Use ☐ Non-Conforming Building/Structure

Proposed Use of Premises:

Proposed use is a five story hotel with amenities and supporting infrastructure

The applicant believes the Board of Adjustment should approve this request for the following reason(s):

Approval of the requested variance in maximum building height should be considered for the following reasons:

1. No substantial detriment to the public health, safety, or welfare; 2. Not injurious to other property in the area; 3. The request is unique to this property; 4. Approval would not substantially conflict with the orderly development intended with the code

Attach a copy, no longer than 11' x 17", of your plot plan/survey, a drawing or preliminary site plan of the property including the proposed request, dimensions of existing structures on the property as well as dimensions of the proposed request and setbacks that may apply to the property in question.

Has a previous application for appeal been filed?

☐ YES ☒ NO If yes, date:

I hereby certify the preceding information and any supporting documents submitted herewith are true and correct to the best of my knowledge. I hereby acknowledge that the requirements and regulations of my Home Owner's Association may differ and that, if applicable, it is my responsibility to notify and coordinate with my Home Owner's Association and provide documentation thereof.

3-26-20

Date Signature of Applicant

I understand any appeal to the decision of the Board of Adjustment shall be filed with the District Court of the State of Texas. The appeal must be requested within ten (10) days of the Board of Adjustment decision in accordance with Local Government Code, Section 211.011.

3-26-20

Date Signature of Applicant

Filing Fee Due: $150.00 Residential/Non-Profit **$200.00 All Others/Commercial**

FOR OFFICE USE ONLY

Appeal No._____ Fee:_____ Paid

Meeting Date_____

Legal Notice_____

Revised 10/2019

Motion to Approve:

VC 660

I concur with the findings of fact as outlined in the variance application. Specifically,

- That there are extraordinary conditions affecting the land, including existing land constraints
- That the variance is necessary and essential to the preservation of substantial property rights
- That granting the variance will not be detrimental to the public health or safety
- That extraordinary conditions do not generally apply to other properties within the vicinity
- The unique conditions of the property were not created by the property owner
- The variance requested is in conformance with the City's Future Land Use Plan
- Approval of the variance requested allows the greatest utilization of the property

Therefore, I move to approve VC 660 and to grant a variance from Section 4-5-62 of the Zoning Code for the property at 16656 N IH-35 to exceed the maximum building height of 35 feet and allow a building height of 69 feet.

CITY OF UNIVERSAL CITY

Date 14 March 2020

File V.C. 652

TO: Members of the Board of Adjustment

FROM: Michael Cassata, Development Services Director

SUBJECT: V.C. 652—A request for a variance at 209 Trudy Lane – Continued from 2-24-20 Meeting

Specific Request
A request for a variance from Section 4-5-63 of the Zoning Code for property zoned R2–Low Density Residential at 209 Trudy Lane (CB 5054C BLK 4 LOT 3) to allow an accessory structure (shed) to encroach the side and rear yard setbacks.

Zoning
The property is owned by Sharon Peters Real Estate, Inc. and is zoned R2–Low Density Residential. The Future Land Use Plan designates this property as MDR–Medium Density Residential.

Surrounding Uses
Properties in the immediate area in all four directions are similar single-family residences, zoned R2–Low Density Residential.

Project Specifics
The property was recently purchased and as part of a residential remodel, the owner would like to keep the existing shed, which exceeds the current zoning requirements. As stated above, the shed encroaches the five-foot side and 10-foot rear yard setbacks.

During the previous meeting, there was a discussion around the size of the shed and whether or not it was under the 250-square-foot maximum size requirement. Since it was unclear, the Board of Adjustment decided to continue the matter to allow staff to measure the existing structure. On March 6, 2020, staff visited the site and concluded the existing structure is approximately 240 square feet with a cantilevered overhang on the east side extending approximately 3'-8". Staff determined that since the area underneath the overhang is not enclosed, it is not considered part of the shed's total area, thereby demonstrating the shed meets the Zoning Code's size requirements (see attached photos). Note the petitioner has agreed to not enclose this area.

As a result, the petitioner is only requesting a variance from the side and rear yard setbacks.

The subject property is not located within the JBSA Randolph Air Installations Compatible Use Zones (AICUZ).

Findings of Fact
As part of its consideration on the proposed variances, the Board of Adjustment shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a nuisance may be created, and the probable effect of such variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity.

More specifically, as part of their deliberation, Board members should consider the following findings:

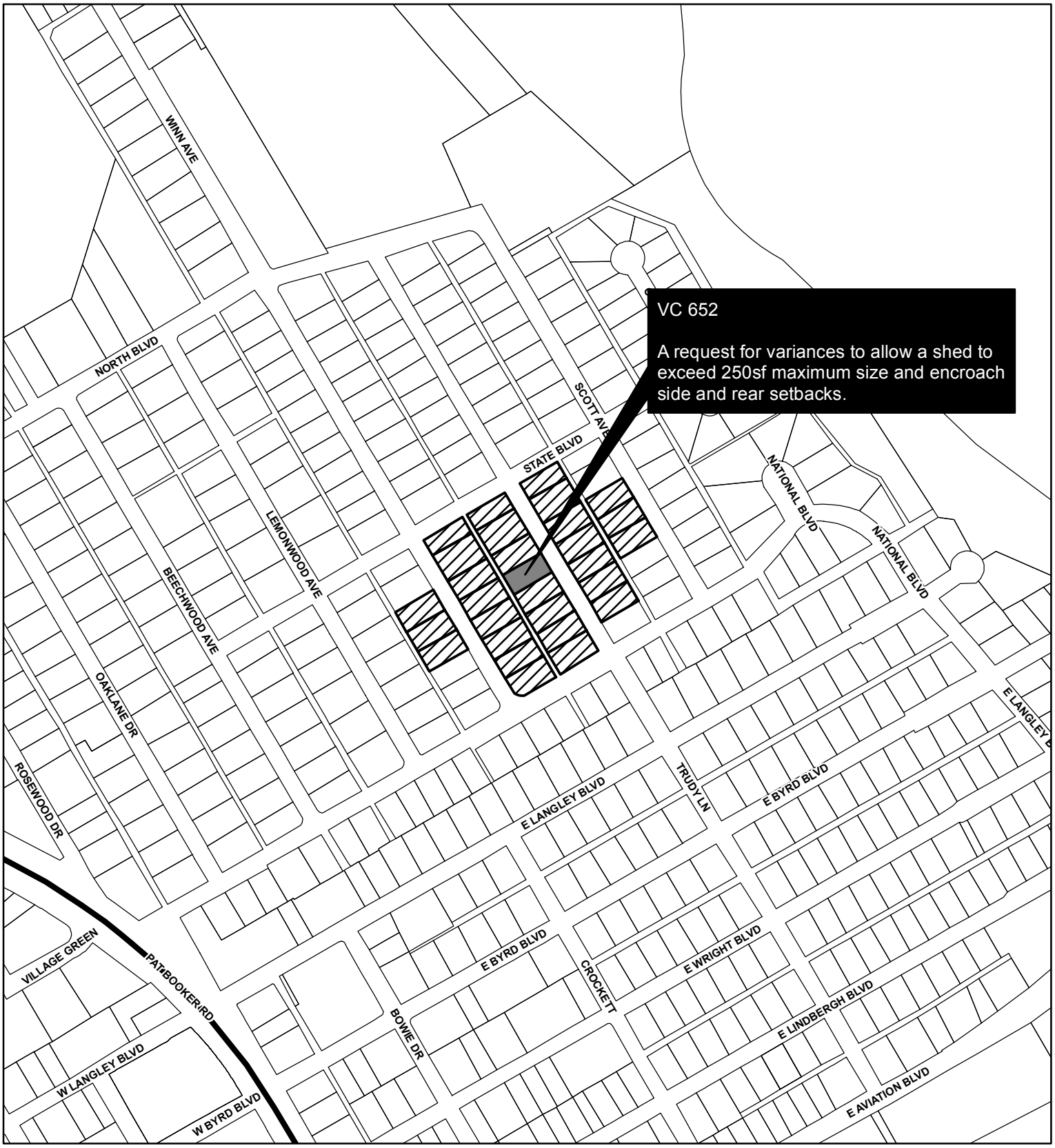
1. *Extraordinary Conditions.* That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of the Code will deprive the applicant of a reasonable use of the land. For example, a variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.
2. *Preservation of a Substantial Property Right.* That the variance is necessary for the preservation of a substantial property right of the applicant.
3. *Substantial Detriment.* That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering the Code.
4. *Other Property.* That the conditions that create the need for the variance do not generally apply to other property in the vicinity.
5. *Applicant's Actions.* 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.
6. *Future Land Use Plan.* That the granting of the variance would not substantially conflict with the Future Land Use Plan and the purposes of this chapter.
7. *Utilization.* That because of the conditions that create the need for the variance, the application of the Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Legal Notices

Per State law, 26 notices were mailed to property owners within 200 feet of the subject property. As of this memo, the City has received two letters stating they are not opposed to the request.

Attachments:

Location Map
Aerial Map
Photos
Section 4-5-63
Variance Criteria
Application
Motion



VC 652
209 Trudy Ln

Date Prepared: Tuesday, Feb. 4, 2020

N

Legend

Affected Parcels

0 250 500 Feet

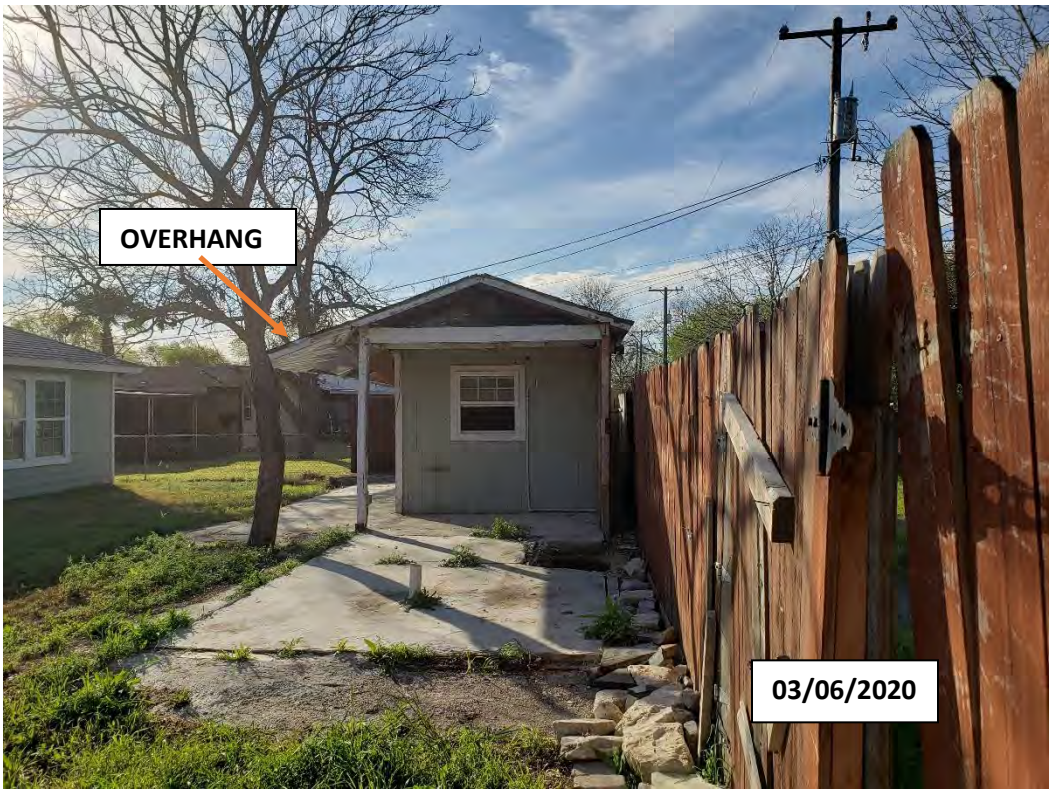
UNIVERSAL CITY
Gateway to Randolph AFB

The City of Universal City Texas
2150 Universal City Blvd
Universal City, TX 78148

209 Trudy Lane

209 Trudy Lane

2020 Photos



2018 Photos

AREA SINCE REMOVED
VEHICLE MAKES FREQU
132-8917
11/29/2018 08:31

11/29/2018 08:31

Sec. 4-5-63. - Accessory structure standards.

An accessory structure refers to a detached subordinate structure, the use of which is incidental to that of the principal structure. The size, bulk, and location of accessory structures are limited according to the following table (Table 3). In every case, the maximum lot coverage and maximum impervious cover specified for each district under Table 2 shall apply.

Table 3: Accessory Structures

District Code	Zoning District					Setbacks (ft)			Typical Accessory Structures [3]
		Maximum #	Maximum Area (sf)	Maximum Height (ft)	Permitted in Front Yard	From Principal Building	Side [2]	Rear [2]	
RESIDENTIAL									
R1	Large Lot Residential	1	100 [1]	12	No	10	10	10	Storage sheds, swimming pools, noncommercial greenhouses
R2	Low Density Residential	1	100 [1]	12	No	10	5	10	
R3	Medium Density Residential	1	100 [1]	10	No	10	5	5	
R4	High Density Residential	1	100 [1]	10	No	10	5	5	
R-OT	"Old Town" Residential	1	100 [1]	10	No	10	5	5	
R5	Multifamily Residential	3	1,000 [1]	15	Yes	15	15	20	On-site laundry facilities, activity center, pool
MH1	Manufactured Housing	1	100 [1]	10	No	10	5	5	Storage sheds
MH2	Mobile Home Park	-	-	-	-	-	-	-	-

Notes:

General note: The maximum lot coverage found in Table 2 applies in all cases.

1 As listed or ten (10) percent of the rear yard, not to exceed two hundred fifty (250) square feet.

2 As listed or the depths of the setbacks of existing lots on the same side of the street.

3 Off-street parking, utility service, sidewalks, park use are always allowable and do not count towards the requirements of this table. Typical structures are provided for reference only. Actual determination of an accessory structure lies at the discretion of the Zoning Administrator.

4 No permanent accessory structures shall be placed in any easement.

(Ord. No. 581, § 6.3, 1-22-07)

Criteria for Granting a Variance, Findings Required

The Board of Adjustment shall prescribe only conditions that it deems not prejudicial to the public interest and shall enumerate its decision with findings of fact. In making the required findings, the Board of Adjustment shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a nuisance may be created, and the probable effect of such variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity. No variance shall be granted unless the Board of Adjustment finds all of the following:

A. Extraordinary Conditions
That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of a reasonable use of the land. For example, a variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.

B. Preservation of a Substantial Property Right
That the variance is necessary for the preservation of a substantial property right of the applicant.

C. Substantial Detriment
That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code.

D. Other Property
That the conditions that create the need for the variance do not generally apply to other property in the vicinity.

E. Applicant's Actions
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.

F. Future Land Use Plan
That the granting of the variance would not substantially conflict with the Future Land Use Plan and the purposes of this Ordinance.

G. Utilization
That because of the conditions that create the need for the variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Insufficient Findings

The following types of possible findings alone do not constitute sufficient grounds for granting a variance:

A. That the property cannot be used for its highest and best use.
B. That there is only a financial or economic hardship.
C. That there is a self-created hardship by the property owner or its agent.
D. That the development objectives of the property owner are or will be frustrated.
E. The fact that property may be utilized more profitably should a variance be granted.

RECEIVED
JAN 13 2020
City of Universal City

CITY OF UNIVERSAL CITY, TEXAS
Development Services Department
2150 UNIVERSAL CITY BOULEVARD, UNIVERSAL CITY,TX 78148
(210) 659-0333, Ext 220

NOTICE OF APPEAL FOR VARIANCE

Owner of Property:
Name Sharon Pfiffers Real Estate, Inc.
Mailing Address 603 Mustang Ln. San Marcos, TX 78666
Phone 512-757-4249 Email sharon@mytexasaddress.com

Applicant or Authorized Agent:
Name Sharon Pfiffers
Mailing Address same
Phone same Email same

If applicant does not own property in question, a letter of authorization from the owner to apply for the request must accompany this application or the owner of record shall sign the application.

Request is hereby made to the Board of Adjustment for a determination on the following appeal which was denied by the Development Services Department. State specifics of appeal:

_____

_____

It is requested the Board of Adjustment:

1. Make the interpretation of Section_____, Subsection_____ of the Code of Ordinances as it applies to the property described.

2. Grant a variance or special exception to Section_____, Subsection_____ of the Code of Ordinances relating to: (Check all that apply to your appeal request)

☐ Lots ☐ Yards ☐ Principal Buildings ☐ Off-Street Parking
☐ Storage ☑ Accessory Buildings ☐ Visual Screens ☐ Fence
☐ Signs ☐ Other _____

Specifically: _____

The location and description of the property involved in the appeal is:

Property Address 209 Trudy Ln. Universal City, TX 78148
Legal Description: City Block _____ Lot _____ Subdivision _____ Unit ___
Lot Size: _____

Present Improvements of Property: Specify what exists at this time on the property

Acc. Structure does not ~~[illegible]~~ meet setback and size requirements

☐ Conforming Use ☐ Conforming Building/Structure

☐ Non-conforming Use ☒ Non-conforming Building/Structure

Proposed Use of Premises:

The applicant believes the Board of Adjustment should approve this request for the following reason(s):

New Property Owner wants to keep existing building make repairs, and take down unused portions

Attach a copy, no larger than 11" x 17", of your plot plan/survey, a drawing or preliminary site plan of the property including the proposed request, dimensions of existing structures on the property as well as dimensions of the proposed request and setbacks that may apply to the property in question.

Has a previous application for appeal been filed?

☐ YES ☒ NO If yes, date: _____

I hereby certify the preceding information and any supporting documents submitted herewith are true and correct to the best of my knowledge. I hereby acknowledge that the requirements and regulations of my Home Owner's Association may differ and that, if applicable, it is my responsibility to notify and coordinate with my Home Owner's Association.

1/13/2020
Date

Signature of Applicant

I understand any appeal to the decision of the Board of Adjustment shall be filed with the District Court of the State of Texas. The appeal must be requested within ten (10) days of the Board of Adjustment decision in accordance with Local Government Code, Section 211.011.

1/13/2020
Date

Signature of Applicant

Filing Fee Due: $150.00 Residential/Non-Profit $200.00 All Others/Commercial

FOR OFFICE USE ONLY

Appeal No. VC 652 Fee: 150 Paid

Meeting Date 2-24-2020

Legal Notice 2-5-2020

Revised 11/2013

Motion to Approve:

VC 652

I concur with the findings of fact as outlined in the variance application. Specifically,

- That there are extraordinary conditions affecting the land, including existing land constraints
- That the variance is necessary and essential to the preservation of substantial property rights
- That granting the variance will not be detrimental to the public health or safety
- That extraordinary conditions do not generally apply to other properties within the vicinity
- The unique conditions of the property were not created by the property owner
- The variance requested is in conformance with the City's Future Land Use Plan
- Approval of the variance requested allows the greatest utilization of the property

Therefore, I move to approve VC 652 and to grant a variance from Section 4-5-63 of the Zoning Code for the property at 209 Trudy Lane to allow an accessory structure (shed) to encroach the side and rear yard setbacks.

CITY OF UNIVERSAL CITY

Date 14 March 2020

File V.C. 656

TO: Members of the Board of Adjustment

FROM: Michael Cassata, Development Services Director

SUBJECT: V.C. 656—A request for a variance at 100 Village Green – Pawn Pub

Specific Request
A request for a variance from the Zoning Code for property zoned C1–Neighborhood Services at 100 Village Green (CB 5054L BLK LOT 7) to allow a connex storage container at the rear of the property.

Zoning
The property is owned by George Richel and is zoned C1-Neighborhood Services. The Future Land Use Plan designates this property as NS-Neighborhood Services.

Surrounding Uses
Properties in the immediate area are a mix of uses and zoning classifications. The property to the west is an apartment complex zoned R5-Multifamily Residential. The property the north is McDonald's zoned C2-Retail. The property to the east is Chester's Hamburgers zoned C2-Retail. The property to the south is an auto mechanic shop zoned C1-Neighborhood Services.

Project Specifics
The Pawn Pub is a bar with an outdoor seating area adjacent to the parking lot. At the south end of the property adjacent to the parking area, near the existing trash enclosure, is a red connex storage container.

Per Sections 4-5-82 and 4-5-83 of the Zoning Code, the C1-Neighborhood Services District only allows Outdoor Display, which generally means display of merchandise within five feet of the building during business hours.

The proposed connex storage container is allowed as General Outdoor Storage in the C3, C4 and C5 commercial districts with restrictions that include the storage container must be screened from the public right-of-way and not be located in a parking area.

The applicant is requesting a variance from the Zoning Code to allow the connex storage container to remain on the property due to lack of storage availability in the building.

The subject property is not located within the JBSA Randolph Air Installations Compatible Use Zones (AICUZ).

Findings of Fact
As part of its consideration on the proposed variance, the Board of Adjustment shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a

nuisance may be created, and the probable effect of such variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity.

More specifically, as part of their deliberation, Board members should consider the following findings:

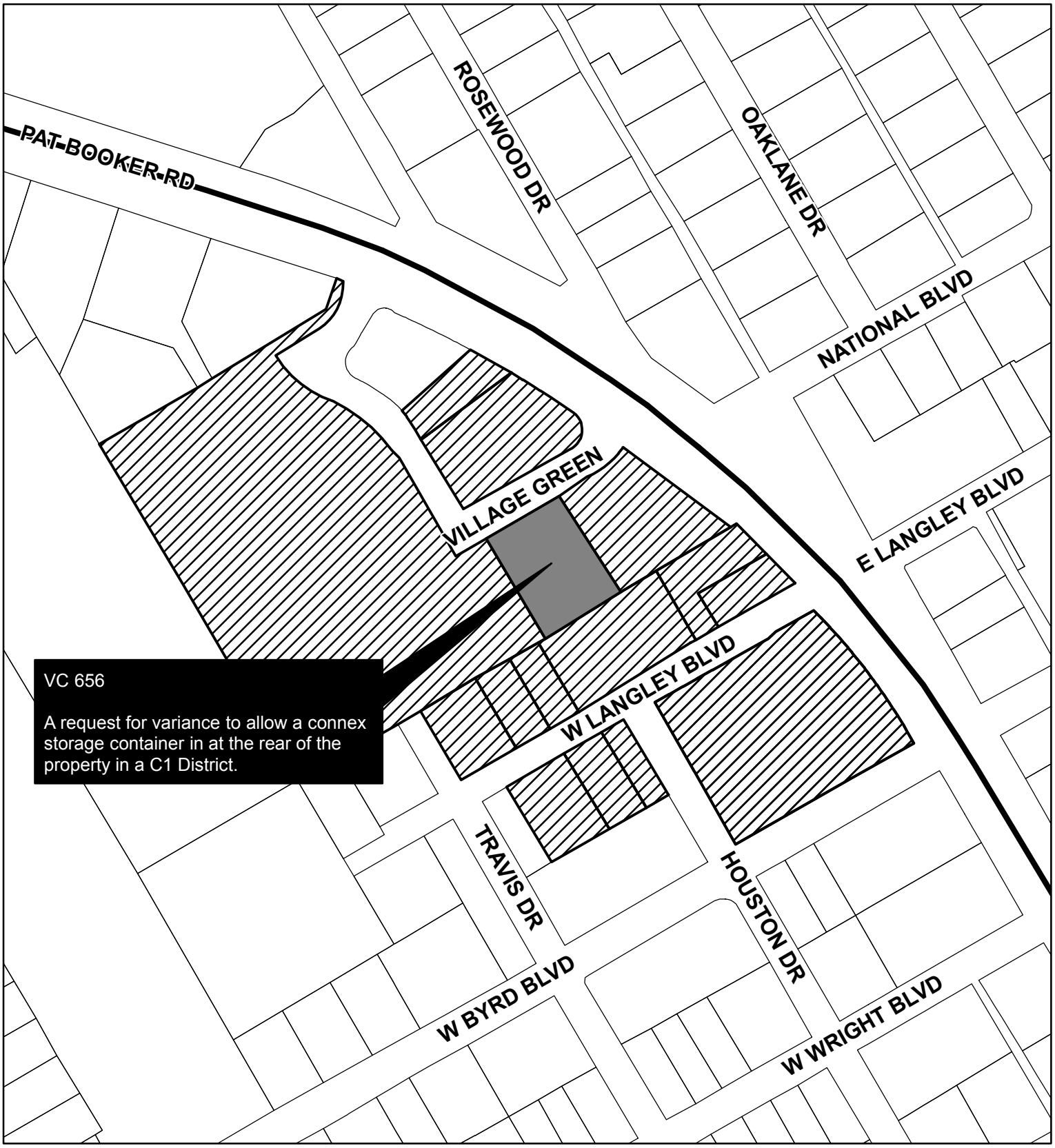
1. *Extraordinary Conditions.* That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of the Code will deprive the applicant of a reasonable use of the land. For example, a variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.
2. *Preservation of a Substantial Property Right.* That the variance is necessary for the preservation of a substantial property right of the applicant.
3. *Substantial Detriment.* That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering the Code.
4. *Other Property.* That the conditions that create the need for the variance do not generally apply to other property in the vicinity.
5. *Applicant's Actions.* 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.
6. *Future Land Use Plan.* That the granting of the variance would not substantially conflict with the Future Land Use Plan and the purposes of this chapter.
7. *Utilization.* That because of the conditions that create the need for the variance, the application of the Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Legal Notices

Per State law, 16 notices were mailed to property owners within 200 feet of the subject property. As of this memo, the City has received one letter not opposing the request.

Attachments:

Location Map
Photos
Sections 4-5-82 and 4-5-83
Variance Criteria
Application
Motion



VC 656
100 Village Green

Date Prepared: Wednesday, Mar. 4, 2020

N

Legend

Affected Parcels

0 250 500 Feet

UNIVERSAL CITY
Gateway to Randolph AFB

The City of Universal City Texas
2150 Universal City Blvd
Universal City, TX 78148

100 Village Green

Pawn Pub

Sec. 4-5-82. - Allowed outdoor storage table.

The three (3) types of storage shall be allowed in the Districts designated in the table below.

Table 7.1: Permitted Outdoor Display and Storage

Category	C-1	C-2	C-3	C-4	C-5
Outdoor Display	X	X	X	X	X
Limited Outdoor Storage			X	X	X
General Outdoor Storage			X	X	X

(Ord. No. 581, § 8.2, 1-22-07)

Sec. 4-5-83. - Categories of outdoor storage and display.

(1) *Outdoor Display.* Outdoor display is display of items actively for sale.

(a) Outdoor display, which is associated with the primary business on the site, shall be allowed adjacent to a principal building wall, and may not extend into the right-of-way, and may only extend a distance no greater than five (5) feet from the wall. Such storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.

(b) Outdoor display may not occupy more than thirty (30) percent of the linear distance along any principal building wall.

(c) Items displayed must be brought in to an enclosed structure at the close of business day, with the exception of large items exceeding six (6) feet in any dimension.

(d) Areas intended for outdoor display must be paved and painted to distinguish them from required off-street parking areas. No outdoor displays shall be allowed in off-street parking areas.

(2) *Limited Outdoor Storage.*

(a) Limited outdoor storage is temporary storage of goods in individual packaging and not in storage containers. Organic materials stored on pallets are considered limited outdoor storage.

(b) Limited outdoor storage shall not exceed one thousand (1,000) square feet or ten (10) percent of the total site area (whichever is greater), except in the C3 and C4 Districts where additional outdoor storage and display is allowed, so long as it is completely screened from view outside the site by a solid opaque wall or fence six (6) feet in height. Items stored may not protrude above the height of the fence. Such area may extend from the primary building, but not for a distance greater than fifty (50) feet.

(c) No limited outdoor storage shall be permitted within the following areas:

1. A required front or side setback;
2. Between a front setback and the building front; and
3. Between a side setback along a public right-of-way and any building or structure.
4. General outdoor storage may not occupy more than thirty (30) percent of the linear distance along

any principal building wall facing a public right-of-way.

5. Within the public right-of-way or fire access lane.

(d) Areas intended for outdoor storage must be paved and painted to distinguish them from required off-street parking areas. Limited outdoor storage shall not be allowed in off-street parking spaces.

(3) *General Outdoor Storage.*

(a) General outdoor storage consists of all remaining forms of outdoor storage not classified as outdoor display or limited outdoor storage, including items stored in shipping containers, conexes, and semitrailers not attached to a truck.

(b) General outdoor storage is permitted only subject to a Temporary Use Permit, Section 4-5-68.

(c) Notwithstanding additional conditions of the Temporary Use Permit, general outdoor storage shall be allowed in unlimited quantity, provided that the storage area is screened from any public right-of-way by a six-foot tall (in overall height) wall for general screening made of materials that include, but are not limited to planting screens, masonry, redwood, cedar, preservative treated wood or other acceptable materials.

(d) No general outdoor storage shall be permitted within the following areas:

1. A required front or side setback;
2. Between a front setback and the building front; and
3. Between a side setback along a public right-of-way and any building or structure.
4. General outdoor storage may not occupy more than thirty (30) percent of the linear distance along any principal building wall facing a public right-of-way.

(e) Areas intended for general outdoor storage must be paved and painted to distinguish them from required off-street parking areas. No general outdoor storage shall be allowed in off-street parking areas.

(4) *Outdoor Display and Storage Requirements.*

(a) *Required to Show in Site Plan.* All outdoor display and storage areas must be clearly shown in the Site Plan submitted for the property.

(b) *Right-of-Way.* Unless specifically authorized elsewhere in the City's ordinances, all outdoor storage and display shall be located outside the public right-of-way and/or at least fifteen (15) feet from the back edge of the adjacent curb or street pavement and outside of any required landscape area.

(c) *Side Yards.* No form of outdoor display and storage shall be allowed in required side setbacks or buffer yards.

(5) *Exceptions.*

(a) Vehicles for sale as part of a properly permitted vehicle sales use (including boats and manufactured housing) shall not be considered merchandise, material or equipment subject to the restrictions of this section.

(b) Such vehicles must be located and displayed on a paved vehicle use area, clearly indicated on the Site Plan, and screened under the same requirements for a parking lot.

(c) Waste generated on-site and deposited in ordinary refuse containers shall not be subject to the restrictions of this section.

(Ord. No. 581, § 8.3, 1-22-07; Ord. No. 581-G-2014, § I, 1-21-14)

Criteria for Granting a Variance, Findings Required

The Board of Adjustment shall prescribe only conditions that it deems not prejudicial to the public interest and shall enumerate its decision with findings of fact. In making the required findings, the Board of Adjustment shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a nuisance may be created, and the probable effect of such variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity. No variance shall be granted unless the Board of Adjustment finds all of the following:

A. Extraordinary Conditions
That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of a reasonable use of the land. For example, a variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.

B. Preservation of a Substantial Property Right
That the variance is necessary for the preservation of a substantial property right of the applicant.

C. Substantial Detriment
That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code.

D. Other Property
That the conditions that create the need for the variance do not generally apply to other property in the vicinity.

E. Applicant's Actions
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.

F. Future Land Use Plan
That the granting of the variance would not substantially conflict with the Future Land Use Plan and the purposes of this Ordinance.

G. Utilization
That because of the conditions that create the need for the variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Insufficient Findings

The following types of possible findings alone do not constitute sufficient grounds for granting a variance:

A. That the property cannot be used for its highest and best use.
B. That there is only a financial or economic hardship.
C. That there is a self-created hardship by the property owner or its agent.
D. That the development objectives of the property owner are or will be frustrated.
E. The fact that property may be utilized more profitably should a variance be granted.

RECEIVED
FEB 07, 20
City of Universal City

CITY OF UNIVERSAL CITY, TEXAS
Development Services Department
2150 UNIVERSAL CITY BOULEVARD, UNIVERSAL CITY,TX 78148
(210) 659-0333, Ext 220

NOTICE OF APPEAL FOR VARIANCE

Owner of Property:
Name George Richel
Mailing Address 100 Village Green
Phone 210-825-6995 Email garkitkat@satx.rr.com

Applicant or Authorized Agent:
Name George Richel
Mailing Address 100 Village Green
Phone 210-825-6995 Email

If applicant does not own property in question, a letter of authorization from the owner to apply for the request must accompany this application or the owner of record shall sign the application.

Request is hereby made to the Board of Adjustment for a determination on the following appeal which was denied by the Development Services Department. State specifics of appeal:
To Keep Conexe in Place on property where it Currently Has Been.

It is requested the Board of Adjustment:

1. Make the interpretation of Section 4, Subsection 5-83 of the Code of Ordinances as it applies to the property described.

2. Grant a variance or special exception to Section 4, Subsection 5-83 of the Code of Ordinances relating to: (Check all that apply to your appeal request)

☐ Lots ☐ Yards ☐ Principal Buildings ☐ Off-Street Parking
☐ Storage ☐ Accessory Buildings ☐ Visual Screens ☐ Fence
☐ Signs ☑ Other Conex

Specifically: Conex on property

The location and description of the property involved in the appeal is:

Property Address 100 Village Green
Legal Description: City Block 51 Lot 6 Subdivision Randolph Plaza Unit 5
Lot Size:

Present Improvements of Property: Specify what exists at this time on the property

☐ Conforming Use ☑ Conforming Building/Structure

☐ Non-conforming Use ☐ Non-conforming Building/Structure

Proposed Use of Premises:

The applicant believes the Board of Adjustment should approve this request for the following reason(s):

THERE IS NO AVALible STORAGE ON PROPERTY. ALSO the UNIT IS SMALL only 20 foot. THE UNIT IS ALSO HIDDEN FROM public sight. It is LOCATED BEHIND Building.

Attach a copy, no larger than 11" x 17", of your plot plan/survey, a drawing or preliminary site plan of the property including the proposed request, dimensions of existing structures on the property as well as dimensions of the proposed request and setbacks that may apply to the property in question.

Has a previous application for appeal been filed?

☐ YES ☑ NO If yes, date: _____

I hereby certify the preceding information and any supporting documents submitted herewith are true and correct to the best of my knowledge. I hereby acknowledge that the requirements and regulations of my Home Owner's Association may differ and that, if applicable, it is my responsibility to notify and coordinate with my Home Owner's Association.

2-7-2020 George Richel

Date Signature of Applicant

I understand any appeal to the decision of the Board of Adjustment shall be filed with the District Court of the State of Texas. The appeal must be requested within ten (10) days of the Board of Adjustment decision in accordance with Local Government Code, Section 211.011.

2-7-2020 George Richel

Date Signature of Applicant

Filing Fee Due: $150.00 Residential/Non-Profit $200.00 All Others/Commercial

FOR OFFICE USE ONLY

Appeal No. _____ Fee: _____ Paid

Meeting Date _____

Legal Notice _____

Revised 11/2013

RANDOLPH PLAZA

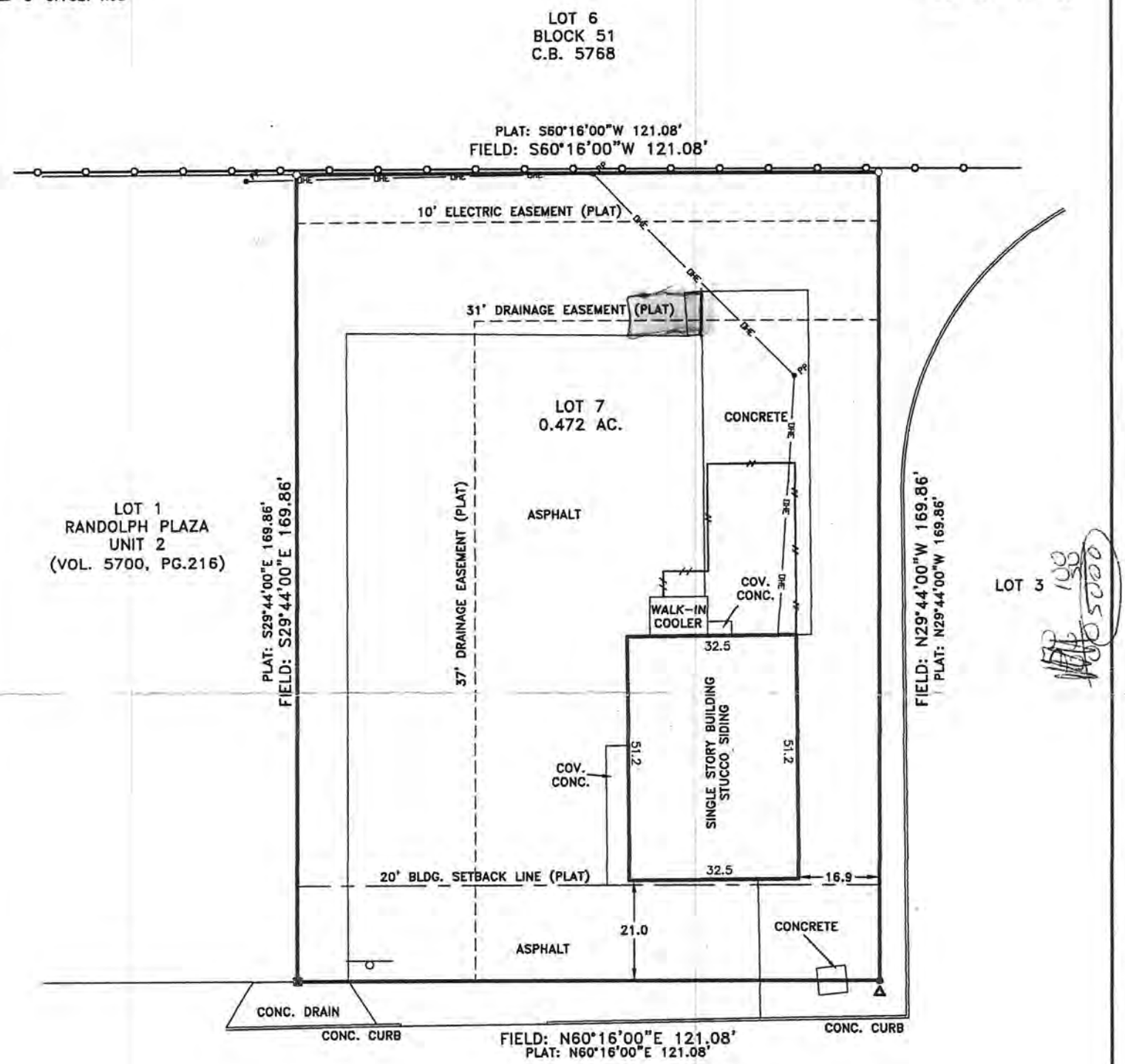
UNIT 5

PLAT LEGEND

- ● 1/2" IRON ROD FOUND
- ○ 1/2" IRON ROD TO BE SET
- ■ "X" TO BE SET IN CONC.
- WOOD FENCE LINE
- CHAIN-LINK FENCE LINE
- OHE OVER HEAD ELECTRIC LINE
- PP POWER POLE
- POLE SIGN
- △ 3' OFFSET ROD

0 15 30

SCALE: 1" = 30'



VILLAGE GREEN
(50' RIGHT-OF-WAY)

CROSS BRANCH SURVEYING, LLC

NOTE:
THE BASIS OF BEARINGS FOR THIS SURVEY

Motion to Approve:

VC 656

I concur with the findings of fact as outlined in the variance application. Specifically,

- That there are extraordinary conditions affecting the land, including existing land constraints
- That the variance is necessary and essential to the preservation of substantial property rights
- That granting the variance will not be detrimental to the public health or safety
- That extraordinary conditions do not generally apply to other properties within the vicinity
- The unique conditions of the property were not created by the property owner
- The variance requested is in conformance with the City's Future Land Use Plan
- Approval of the variance requested allows the greatest utilization of the property

Therefore, I move to approve VC 656 and to grant a variance from Sections 4-5-82 and 4-5-83 of the Zoning Code for the property at 100 Village Green to allow a connex storage container in at the rear of the property adjacent to the off-street parking area in a C1-Neighborhood Services District.