



# City of San Antonio

## Legislation Details (With Text)

**File #:** 14-1914

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 9/18/2014

**Title:** ZONING CASE # Z2014195 S (District 10): An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District (on 3.618 acres) and "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Convenience Store (With Gasoline And Carwash) (on 1.841 acres) allowing a fence up to eight (8) feet in height along the western-most boundary of the 5.459 acre tract of land in accordance with Section 35-514 (d)(2)(D) of the Unified Development Code on 5.459 acres out of Lots 4, 5, 6, and 7, Block B, NCB 15705 located at 4980 Stahl Road and 14901 Durham Drive. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment 14056)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2014-195.pdf, 2. Z2014195 S\_Site Plan.pdf, 3. Z2014195 S, 4. 14-1914 Z2014195 S DRAFT ORDINANCE, 5. Ordinance 2014.09.18.0727

Date	Ver.	Action By	Action	Result
9/18/2014	1	City Council A Session	Motion to Approve	

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 10

**SUBJECT:**

Zoning Case Z2014195 S

**SUMMARY:**

**Current Zoning:** "MF-33 AHOD" Multi-Family Airport Hazard Overlay District

**Requested Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District (on 3.618 acres) and "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Convenience Store (With Gasoline and Carwash) (on 1.841 acres)

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 19, 2014

**Case Manager:** Trenton Robertson, Planner

**Property Owner:** Clyde B. Goldsmith Estate (by Ilene Goldsmith Sporkin and Janice Goldsmith Jucker, Independent Co-Executors); Rosenstein Family Limited Partnership (by Beatrice Goldsmith, President,

Rosenstein Holdings LLC, General Partner); and The Fertile Valley Farms Irrevocable Trust (by Samuel Epstein, Trustee)

**Applicant:** CST Brands, Inc. (Scott C. Hayne)

**Representative:** Andrew C. Guerrero

**Location:** 4980 Stahl Road and 14901 Durham Drive

**Legal Description:** 5.459 acres out of Lots 4, 5, 6, and 7, Block B, NCB 15705

**Total Acreage:** 5.459

**Notices Mailed**

**Owners of Property within 200 feet:** 24

**Registered Neighborhood Associations within 200 feet:** El Chaparral/Fertile Valley Neighborhood Association; the Pepperridge Neighborhood Association is located within 200 feet.

**Planning Team:** San Antonio International Airport Vicinity Land Use Plan (No Planning Team)

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property was annexed in 1973 and was originally zoned “Temp R-1” Temporary Single-Family Residence District. In a 1985 case, the property was rezoned to “R-3” Multi-Family Residence District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "MF-33 AHOD" Multi-Family Airport Hazard Overlay District. The subject property consists of four platted lots, save and except portions that were previously conveyed as right-of-way. The property is undeveloped.

**Topography:** The subject property does not include any abnormal physical features such as significant slope or inclusion in a flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** “C-2” and “R-6”

**Current Land Uses:** School, Grocery Store, Retail Center, Vacant and Single-Family Residences

**Direction:** West

**Current Base Zoning:** “MF-33”

**Current Land Uses:** Church, Vacant and Playground

**Direction:** South

**Current Base Zoning:** “C-3” and “R-6”

**Current Land Uses:** Vacant and Public Storage

**Direction:** East

**Current Base Zoning:** “R-6”

**Current Land Uses:** Single-Family Residences

**Overlay and Special District Information:** All surrounding properties carry the "AHOD" Airport Hazard

Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

### **Transportation**

**Thoroughfare:** Stahl Road and O'Connor Road

**Existing Character:** Secondary Arterial Type A 86'; two lanes in each direction with sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Durham Drive

**Existing Character:** Local; one lane in each direction with partial sidewalks

**Proposed Changes:** None known

**Public Transit:** The nearest VIA bus line is 641 which operates south of the subject property along O'Connor Road.

**Traffic Impact:** A traffic impact analysis (TIA) is required. A traffic engineer familiar with the project must be present during the Zoning Commission Meeting.

**Parking Information:** Off-street vehicle parking requirements for commercial uses are typically determined by building size and use. The rezoning application refers to a convenience store with gas sales and carwash, as well as other undefined retail/office uses.

Convenience Store with gas sales

Minimum requirement: 6 space per 1,000 square feet of Gross Floor Area

Maximum allowance: 10 space per 1,000 square feet of Gross Floor Area

The specific use site plan shows 40 parking spaces, including two ADA-accessible spaces, meeting the parking requirement. Required parking for the remaining subject property area cannot be calculated until individual uses are identified.

### **ISSUE:**

None.

### **ALTERNATIVES:**

A denial of the zoning request will result in the subject property retaining the current multi-family residential zoning.

### **FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

### **RECOMMENDATION:**

Staff and Zoning Commission (10-0) recommend approval pending the plan amendment.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

#### **1. Consistency:**

The property is located within the San Antonio International Airport Vicinity Land Use Plan. In the future land

use component of the plan, the northern portion of the property is currently designated as Neighborhood Commercial and the southern portion is designated as Low Density Residential. The requested "C-2" base zoning districts is not consistent with the adopted land use designations. A plan amendment has been submitted, requesting to change the future land use designation to Community Commercial. The Community Commercial designation is meant to accommodate medium intensity uses in an existing commercial area located along an arterial road at a major intersection. Staff and Planning Commission recommend approval of the plan amendment request.

**2. Adverse Impacts on Neighboring Lands:**

Staff finds no likely adverse impacts on neighboring property related to the rezoning request. The subject property is located at a major intersection with other large service and institutional uses.

**3. Suitability as Presently Zoned:**

The current multi-family zoning district may be appropriate for the property's location, but is not consistent with the adopted land use designation.

**4. Health, Safety and Welfare:**

Staff has found no indication of likely negative influence on public health, safety or welfare in relation to this zoning change request.

**5. Public Policy:**

The request does not appear to conflict with any public policy objective.

**6. Size of Tract:**

The subject property is 5.459 acres in size, which should be able to reasonably accommodate the uses permitted in both the "C-2" zoning district, along with required parking and landscaping.

**7. Other Factors:**

In accordance with UDC Section 35-514(d)(2)(D), the applicant has requested approval of additional fence height along the western-most boundary of the subject property. An 8-foot tall solid fence/wall is proposed.

The subject property will require an alcohol variance in order to sell alcohol on the property pursuant to Title 4, Chapter 109, Sub-chapter B, §109.33(a)(1) of the Texas Alcoholic Beverage Code (TABC), the sale of alcoholic beverages is prohibited for dealers whose place of business is within three hundred (300) feet of a public or private school as measured in a direct line from the property line of the public or private school to the property line of the place of business.