



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-6161

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 12/7/2017

**Title:** ZONING CASE # Z2017227 CD (Council District 2): An Ordinance amending the Zoning District Boundary from "C-3 NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District to "C-2 NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with Conditional Use for Machinery, Tools, and Construction Equipment Sales and Service on Lots 14, 15, 16, 17, 18, Block 2, NCB 12872, located at 9292 NE Loop 410. Staff and Zoning Commission recommend Approval with Conditions. (Continued from October 19, 2017)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Ordinance 2017-12-07-0951

Date	Ver.	Action By	Action	Result
12/7/2017	1	City Council A Session	Motion to Appr w Cond	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2017227 CD

**SUMMARY:**

**Current Zoning:** "C-3 NA AHOD" General Commercial Non-Alcoholic Sales Airport Hazard Overlay District

**Requested Zoning:** "C-2 NA CD AHOD" Commercial Non-Alcoholic Sales Airport Hazard Overlay District with Conditional Use for Machinery, Tools and Construction Equipment Sales and Service

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 5, 2017

**Case Manager:** Daniel Hazlett, Planner

**Property Owner:** Johnny Lugo

**Applicant:** Johnny Lugo

**Representative:** Johnny Lugo

**Location:** 9292 NE Loop 410

**Legal Description:** Lots 14, 15, 16, 17, 18, Block 2, NCB 12872

**Total Acreage:** 1.355

**Notices Mailed**

**Owners of Property within 200 feet:** 17

**Registered Neighborhood Associations within 200 feet:** Eastgate Neighborhood Association

**Applicable Agencies:** None.

**Property Details**

**Property History:** The subject property was annexed and zoned to "I-1" Light Industrial by Ordinance 33810, dated December 16, 1965. The "I-1" was rezoned to "B-3NA" Business Nonalcoholic Sales District by Ordinance 70527, dated November 2, 1989. The "B-3NA" converted to the current "C-3NA" with the adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001)

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "C-3 NA"

**Current Land Uses:** Truck and Trailer Repair Shop

**Direction:** East

**Current Base Zoning:** "R-6"

**Current Land Uses:** Single-Family Residences, Vacant Lot

**Direction:** South

**Current Base Zoning:** "C-2 NA CD", "R-6"

**Current Land Uses:** Commercial Use, Vacant Lot

**Direction:** West

**Current Base Zoning:** UZROW

**Current Land Uses:** Loop 410 Expressway

**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:** I-410 Access Road

**Existing Character:** Freeway

**Proposed Changes:** None Known

**Thoroughfare:** Eastgate Street  
**Existing Character:** Local Street  
**Proposed Changes:** None Known

**Public Transit:** There are no VIA bus routes within walking distance of the subject property.

**Traffic Impact:** A Traffic Impact Analysis (TIA) report is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

**Parking Information:**

The minimum parking required is 1 per 500 sf GFA of sales and service building. The maximum parking allowed is 1 per 375 sf GFA of sales and service building.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject properties retaining the present zoning district designations. In general, “C-3” General Commercial districts are intended to provide for more intensive commercial uses than those located within the NC, C-1 or C-2 zoning districts. General Commercial uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses are as follows: bar/tavern & nightclub, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market, home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display is permitted in areas which are screened as provided in 35-510 of the Unified Development Code. The current “C-3 NA” General Commercial Nonalcoholic Sales District has an additional restriction which prohibits the sale of alcoholic beverages.

**FISCAL IMPACT:**

None.

**PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

The subject property is not located within a ½ of a mile of a Regional Center or a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (10-0) recommend Approval with Conditions.

**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 IH-10 East Corridor Plan, and is currently designated as “Community Commercial” in the future land use component of the plan. The requested “C-2 NA CD” base zoning district is consistent with the future land use designation.

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

Staff finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed development is already operating at the subject property. The downzoning to “C-2 NA CD” allows for less intense commercial uses. The subject property’s close proximity to single-family homes merits a less intense commercial use than the current “C-3 NA”.

### **3. Suitability as Presently Zoned:**

The current “C-3 NA” base zoning district is not appropriate for the surrounding area and does not line up with the land use category of “Community Commercial”. The close proximity to Single-Family Residences makes the current base zoning too intense for the area. The downzoning to “C-2 NA” reduces the intensity of commercial uses allowed on the subject property and is in line with the “Community Commercial” land use designation.

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

Staff has found no indication of likely adverse effects on the public health, safety, or welfare. The zoning change is requested in order to permit the current uses on the subject property.

### **5. Public Policy:**

The rezoning request does not appear to conflict with the land use goals and strategies of the I-10 East Corridor Plan. The subject property is currently operating with an incompatible land use of “Community Commercial”. The rezoning will match the zoning with the land use designation.

- Goal 3: Compatibility of Land Uses Improve the quality of life and safety of residents of the IH 10 East Perimeter Planning area by addressing incompatible land uses.

### **6. Size of Tract:**

The subject properties measures 1.355 acres which will reasonably accommodate the proposed business.

### **7. Other Factors:**

The purpose of the Conditional Use is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may under the right set of circumstances and conditions be acceptable in certain specific locations.

Should City Council approve the rezoning, staff recommends the following conditions:

- 1) A Type B Landscape buffer adjacent to residential uses and along street frontage.
- 2) Six foot (6’) solid screen fencing for the side of the property abutting residential.
- 3) Downward lighting.