



# City of San Antonio

## Legislation Details (With Text)

**File #:** 13-643

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 10/17/2013

**Title:** ZONING CASE # Z2013193 CD (District 1): An Ordinance amending the Zoning District Boundary from "O-2 AHOD" High-Rise Office Airport Hazard Overlay District to "C-2NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales on Lot 1, Block 4, NCB 11714 located at 9503 Lorene. Staff recommends denial. Zoning Commission recommends approval. (Associated Plan Amendment Case #13045)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Zoning Commission Minutes, 2. Location Map, 3. Site Plan, 4. Draft Ordinance, 5. Ordinance 2013-10-17-0731

Date	Ver.	Action By	Action	Result
10/17/2013	1	City Council A Session	Motion to Appr w Cond	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**SUBJECT:**  
Zoning Case Z2013193 CD

**SUMMARY:**

**Current Zoning:** "O-2 AHOD" High-Rise Office Airport Hazard Overlay District

**Requested Zoning:** "C-2NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 17, 2013

**Case Manager:** Krystin Ramirez, Planning Technician

**Property Owner:** Sage Western Investments (AKA Sage Western Corporation, Jack E. Harden, President)

**Applicant:** Sage Western Investments (AKA Sage Western Corporation, by Jack E. Harden, President)

**Representative:** Brown & Ortiz, P.C. (c/o James Griffin)

**Location:** 9503 Lorene

**Legal Description:** Lot 1, Block 4, NCB 11714

**Total Acreage:** 0.7774

**Notices Mailed**

**Owners of Property within 200 feet:** 13

**Neighborhood Associations:** Greater Harmony Hills Neighborhood Association

**Planning Team Members:** San Antonio International Airport Vicinity Plan (No planning team)

**Applicable Agencies:** None

**Property Details**

**Property History:** The property was annexed in 1952 and was originally zoned “Temp A” Temporary Single Family Residence District. In a 2001 case, the property was rezoned “O-1” Office District (Ordinance 94790). Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current “O-2” High-Rise Office District. The subject property was platted in 2002 and is currently undeveloped.

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

**Adjacent Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** “MF-33”

**Current Land Uses:** Multi-family apartment complexes

**Direction:** East

**Current Base Zoning:** “C-2” and “C-3”

**Current Land Uses:** Car dealership and restaurant

**Direction:** South

**Current Base Zoning:** “R-5” and “MF-33”

**Current Land Uses:** Multi-family apartment complexes

**Direction:** West

**Current Base Zoning:** “R-5”

**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:** Lorene

**Existing Character:** Local street; one lane in each direction with sidewalks, and a portion with on-street parking

**Proposed Changes:** None known

**Thoroughfare:** San Pedro Avenue

**Existing Character:** Collector street; two lanes in each direction with dividing median

**Proposed Changes:** None known

**Thoroughfare:** McCarty

**Existing Character:** Local street; one lane in each direction

**Proposed Changes:** None known

**Thoroughfare:** Lockhill-Selma Road

**Existing Character:** Local street; one lane in each direction (three lanes in one direction near intersection)

**Proposed Changes:** None known

**Public Transit:** VIA bus line 2 operates along San Pedro Avenue, east of the subject property and VIA bus line 550 operates along Lockhill-Selma Road, south 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:** Auto and vehicle sales are required to provide at least one parking space per 500 square feet of Gross Floor Area (GFA) of sales and service building. The conditional use site plan indicates no structures, as the property is meant to be used for vehicle display, inventory parking, and employee parking only.

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the zoning request will result in the subject property retaining the current high-rise office zoning classification.

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**RECOMMENDATION:**

Staff recommends denial. Zoning Commission (9-0) recommends approval.

**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 and is currently designated as Low Density Residential in the future land use component of the plan. The requested “C-2” base zoning district is not consistent with the adopted land use designation. A master plan amendment has been submitted, requesting to change the land use designation to Community Commercial. The Community Commercial land use designation should be located at nodes on arterials at major intersections or where an existing commercial area has been established. Staff recommends denial of the plan amendment; Planning Commission recommends approval of the request.

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

The proposed motor vehicle sales use may negatively impact abutting residential properties through increased traffic, noise, and lighting. The conditional zoning procedure is designed to provide for a land use within an area that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions. Conditional use requests also allow approval of conditions that must be met in order to legally establish the conditional use, such as additional building setbacks, landscape buffers, and fencing, as well as conditions limiting signage, lighting, and noise. The conditional use site plan indicates a 15-foot wide Type B landscape buffer where the property abuts single-family residential zoning.

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

The existing “O-2” zoning district is not appropriate for the subject property because it is meant to accommodate high-rise office buildings with multiple tenants offering a wide range of services. The subject property abuts single-family residences and apartment complexes, is oddly-shaped, and has frontage on a local street. As such, the property is not well suited for medium intensity commercial or high-rise office uses.

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

Other than the issues raised in the Adverse Impacts on Neighboring Lands section above, staff has found no indication of likely adverse effects on the public health, safety, or welfare in relation to this zoning change request.

## **5. Public Policy:**

The request is not consistent with the San Antonio International Airport Vicinity Land Use Plan, which is a component of the City’s Master Plan.

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

The subject property is 0.7774 acres in size, which reasonably accommodates the proposed motor vehicle sales, as shown on the conditional use site plan.

## **7. Other Factors:**

Staff recognizes that the adopted Low Density Residential land use designation is not entirely appropriate for the subject property due to the property’s location between two large apartment complexes and adjacent to intense commercial uses. The property is likely best suited for medium to high density residential uses or neighborhood-scale service uses. However, the requested plan amendment and zoning change would allow a wide range of retail uses are also not appropriate for the surrounding area.

Should the City Council recommend approval of the requested zoning change, staff recommends the following conditions:

1. A 15 foot Type B landscape buffer shall be provided along property boundaries abutting single family residential zoning or uses;
2. All on-site lighting shall be directed onto the site and point away from any residential zoning or uses; and
3. The display/parking lot shall be provided with a gate or other sufficient barrier against vehicle entry during the hours the facility served is closed.