



# City of San Antonio

## Legislation Details (With Text)

**File #:** 14-1528

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 8/7/2014

**Title:** ZONING CASE # Z2014187 (District 5): An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on Lots 40, 41, 42 and 43, Block 13, NCB 8252 located at 4633 West Commerce Street. Staff and Zoning Commission recommend approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Zoning Commission Minutes, 3. Ordinance 2014-08-07-0559

Date	Ver.	Action By	Action	Result
8/7/2014	1	City Council A Session	Motion to Approve	

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 5

**SUBJECT:**

Zoning Case Z2014187

**SUMMARY:**

**Current Zoning:** "I-1 AHOD" General Industrial Airport Hazard Overlay District

**Requested Zoning:** "C-3 AHOD" General Commercial Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 1, 2014

**Case Manager:** Tony Felts, Planner

**Property Owner:** El Castillo USA, Inc. (by Ignacio Montes, Director)

**Applicant:** Ignacio Montes for El Castillo USA, Inc.

**Representative:** Brown & Ortiz, P.C.

**Location:** 4633 West Commerce Street

**Legal Description:** Lots 40, 41, 42 and 43, Block 13, NCB 8252

**Total Acreage:** 0.264

**Notices Mailed**

**Owners of Property within 200 feet:** 21

**Registered Neighborhood Associations within 200 feet:** Prospect Hill Neighborhood Association

**Planning Team:** None

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property was annexed in 1944, and was originally zoned "J" Commercial District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "I-1" General Industrial District.

The property is developed with a 480-square foot commercial structure that was built in 1990, which is used as an automobile dealership. The subject property consists of four platted lots, platted in 1912. The purpose of the rezoning request is to bring the existing nonconforming use into compliance.

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

**Adjacent Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "R-4" and "C-2"

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

**Direction:** East, West, South

**Current Base Zoning:** "C-2", "C-3R", "C-3 CD", and "I-1"

**Current Land Uses:** Restaurant, Retail Center, Single-Family Residence, Vacant Land, Office

**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:** West Commerce Street

**Existing Character:** Primary Arterial Type B; two lanes in each direction with a center turn lane, with sidewalks

**Proposed Changes:** None known

**Thoroughfare:** North General McMullen Drive

**Existing Character:** Primary Arterial Type A; three lanes in each direction with a center turn lane, with sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Wilmot

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

**Proposed Changes:** None known

**Public Transit:** VIA bus lines 75, 76, 275, and 276 operate along West Commerce Street, with multiple stops in the immediate vicinity of the subject property; VIA bus line 524 operates along North General McMullen Drive, with multiple stops in the immediate vicinity of the subject property.

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

**Parking Information:** Off-street vehicle parking requirements are typically determined by the type of use and building size. The zoning application refers to Motor Vehicle Sales which requires a minimum of 1 space per 500 square feet of sales and service building, and allows a maximum of 1 space per 375 square feet of sales and service building. As uses are required to provide one ADA-accessible space, the subject property with the existing 480-square foot structure will be required to provide 2 parking spaces.

**ISSUE:**  
None.

**ALTERNATIVES:**  
A denial of the request will result in the property retaining the current industrial zoning; restricting future land uses to those permissible in an “I-1” zoning district.

**FISCAL IMPACT:**  
None. The applicant has paid the required zoning fees.

**RECOMMENDATION:**  
Staff and Zoning Commission (11-0) recommend approval.

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

**1. Consistency:**

The subject property is not located within a future land use plan; therefore a finding of consistency is not required. The surrounding pattern of development includes significant industrial zoning, and intense commercial zoning and uses. The requested zoning change is consistent with the development along both West Commerce Street and North General McMullen.

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

Staff has found no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. Rather, the rezoning will have the effect of making a currently non-conforming property conforming to the current UDC.

**3. Suitability as Presently Zoned:**

The existing “I-1” base zoning district is not consistent with the current land uses in the vicinity of the subject property, nor is it appropriate within such a close proximity to single-family residential zoning. The proposed “C-3” zoning will reduce the intensity of the current zoning and serve to bring the existing land use into conformance.

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

Staff has found no indication of likely adverse effects on the public health, safety or welfare.

**5. Public Policy:**

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

**6. Size of Tract:**

The subject property measures 0.264 of an acre in size, which would serve to limit the intensity and size of any conforming use on the subject property.

**7. Other Factors:**

None.