



# City of San Antonio

## Legislation Details (With Text)

**File #:** 13-1310

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 1/16/2014

**Title:** ZONING CASE # Z2014045 CD (District 3): An Ordinance amending the Zoning District Boundary from "O-2 AHOD" High-Rise Office Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales on Lot 24, NCB 10946 save and except that portion conveyed to the State of Texas in Volume 3807, Page 108, Real Property Records, Bexar County, Texas located on a portion of 2355 Goliad Road. Staff recommends approval. Zoning Commission recommends denial.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2014-045.pdf, 2. Z2014045 CD.pdf, 3. Site Plan.pdf, 4. Draft Ordinance

| Date | Ver. | Action By | Action | Result |
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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 3

**SUBJECT:**  
Zoning Case Z2014045 CD

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

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

**BACKGROUND INFORMATION:**  
**Zoning Commission Hearing Date:** December 17, 2013

**Case Manager:** Trenton Robertson, Planner

**Property Owner:** Gustavo Carbajal

**Applicant:** Gustavo Carbajal

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

**Location:** A portion of 2355 Goliad Road

**Legal Description:** Lot 24, NCB 10946 save and except that portion conveyed to the State of Texas in Volume 3807, Page 108, Real Property Records, Bexar County, Texas

**Total Acreage:** 0.31

**Notices Mailed**

**Owners of Property within 200 feet:** 6

**Registered Neighborhood Associations within 200 feet:** Highland Hills Neighborhood Association

**Planning Team:** Highlands Community Plan - 33

Applicable Agencies: None

**Property Details**

**Property History:** The subject property was annexed in 1952 and was originally zoned "E" Office District. 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 is a portion of a platted lot (Volume 4960, Page 153 in the Deed and Plat Records of Bexar County, Texas); the other portion was sold to the State of Texas as a right-of-way facility. The subject property is undeveloped; however there is a mobile structure on site.

**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

**Adjacent Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "C-3" and "C-2"

**Current Land Uses:** Skating rink and public storage

**Direction:** East

**Current Base Zoning:** "R-5" and "O-2"

**Current Land Uses:** Elementary school and state-owned property

**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:** Interstate Highway 37 South

**Existing Character:** Freeway 250'-500'; raised three lanes in each direction without access roads

**Proposed Changes:** None known

**Thoroughfare:** Goliad Road

**Existing Character:** Secondary Arterial Type B 70'-86'; two lanes in each direction with sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Kate Schenck Avenue

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

**Proposed Changes:** None known

**Public Transit:** VIA bus lines 232 operates along Goliad Road, with multiple stops immediately adjacent to the subject property.

**Traffic Impact:** A TIA report is not required. The 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 and size of use.

#### Auto and Vehicle Sales

Minimum requirement: 1 space per 500 square feet of Gross Floor Area (GFA) of sales and service building

Maximum allowance: 1 space per 375 square feet of GFA of sales and service building

The requisite Conditional Use site plan shows a 336-square foot building and 2 parking spaces (including 1 ADA parking and loading space).

#### **ISSUE:**

None.

#### **ALTERNATIVES:**

A denial of the zoning request will result in the subject property retaining the current high-rise office zoning; prohibiting the proposed auto sales lot.

#### **FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

#### **RECOMMENDATION:**

Staff recommends approval. Zoning Commission (8-0) recommends denial.

**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 Highlands Community Plan and is currently designated as Community Commercial in the future land use component of the plan. The requested “C-2” base zoning district is consistent with the adopted land use designation.

#### **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 the intersection of an expressway and an arterial thoroughfare which should accommodate additional traffic that may be generated by the proposed use.

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

The existing “O-2” zoning district is not appropriate for the subject property. “O-2” is meant to accommodate high-rise office buildings with a wide range of accessory uses. Although office uses may be suitable for the subject property, the high-rise development allowed in the “O-2” district is not appropriate because of the subject property’s size. The existing zoning also 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 0.31 acres in size, which should be able to reasonably accommodate the proposed motor vehicle sales and required parking, as shown on the conditional use site plan. The size of the property will serve to limit the scale and intensity of any commercial use.

**7. Other Factors:**

The conditional zoning procedure is designed to provide for a land use 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.

The subject property is landlocked in all cardinal directions. Although the original deed to the State of Texas prohibited access through their property, the State has since granted access to the subject property from Goliad Road. The property is not accessible from the Interstate Highway 37.