



# City of San Antonio

## Legislation Details (With Text)

**File #:** 13-1166

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 12/19/2013

**Title:** CASE # Z2014040 (District 8): An Ordinance amending Ordinance 73082, approved by the San Antonio City Council on February 14, 1991, by amending the condition for a non-access easement to the following: "that a one-foot non-access easement is imposed along the southeast property line bordering George Road for 125 feet from the intersection with Northwest Military Highway." All zoning and overlay districts remaining unchanged. Staff and Zoning Commission recommend approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2014-040.pdf, 2. Z2014040.pdf, 3. Ordinance 73082.pdf, 4. Case 13-1166 Z2014040 DRAFT ORDINANCE, 5. Ordinance 2013-12-19-0937

Date	Ver.	Action By	Action	Result
12/19/2013	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 8

**SUBJECT:**  
Case Z2014040

**SUMMARY:**

Proposed Ordinance Amendment: A request to amend Ordinance 73082, approved by the San Antonio City Council on February 14, 1991, by amending the condition for a non-access easement to the following: "that a one-foot non-access easement is imposed along the southeast property line bordering George Road for 125 feet from the intersection with Northwest Military Highway." All zoning and overlay districts remaining unchanged.

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 19, 2013

**Case Manager:** Trenton Robertson, Planner

**Property Owner:** Northwest George, Ltd. (by James E. Sullivan, Manager)

**Applicant:** Northwest George, Ltd. (by James E. Sullivan, Manager)

**Representative:** P.W. Christensen, P.C. (Patrick Christensen)

**Location:** A portion of the 13300 Block of Northwest Military Highway

**Legal Description:** Lots 1 and 2, Block 5, NCB 17000

**Total Acreage:** 3.615

**Notices Mailed**

**Owners of Property within 200 feet:** 40

**Registered Neighborhood Associations within 200 feet:** Castle Hills Forest Homeowners Association

**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 1980 and was originally zoned "Temp R-1" Temporary Single-Family Residence District. In a 1991 case, the property was rezoned to "B-2" Business District. The 1991 ordinance included the following three conditions: 1) A six-foot solid screen fence is erected and maintained along a line five feet from the east property line adjacent to the single-family residential property; 2) a one-foot non-access easement is imposed along the south property line bordering George Road; and, 3) a 10-foot landscape buffer is maintained on the south side adjacent to George Road. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "C-2" Commercial District. The property was platted into its current configuration in 2006 (volume 9572, page 225 of the Deed and Plat Records of Bexar County, Texas), 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:** "C-2" and "R-6"

**Current Land Uses:** Offices and single-family residences

**Direction:** East and Southeast

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

**Current Land Uses:** Single-family residences

**Direction:** South and West

**Current Base Zoning:** "O-2", "C-3 R", "R-6", "C-2", "C-2NA" and "C-2 CD"

**Current Land Uses:** Vacant land, restaurant, single-family residences, retail center, parking and offices

**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.

All surrounding properties carry the "MLOD" Military Lighting Overlay District, due to their proximity to Camp Bullis. The "MLOD" does not restrict permitted uses, but does regulate outdoor lighting in an effort to minimize night-time light pollution and its effects on operations at the military installation.

**Transportation**

**Thoroughfare:** Northwest Military Highway

**Existing Character:** Primary Arterial Type A 120'; two lanes in each direction with sidewalks and bike lanes

**Proposed Changes:** None known

**Thoroughfare:** George Road

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

**Proposed Changes:** None known

**Public Transit:** VIA bus line 97 operates along Northwest Military Highway south of the subject property.

**Traffic Impact:** A Traffic Impact Analysis is not required for a request to amend an ordinance. Development plans will be reviewed, including traffic impact, at the building permit stage of development.

**Parking Information:** Off-street vehicle parking requirements are typically determined by the type and size of use. The "C-2" district allows a wide range of retail and service uses with varying parking requirements.

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the zoning request will result in the subject property not being able to gain access to George Road.

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**RECOMMENDATION:**

Staff and Zoning Commission (10-0) recommend approval.

**Criteria for Review:** The Unified Development Code does not include criteria for review related to requests to amend a zoning ordinance. According to Section 35-421, zoning amendments shall be based on the approval criteria below. Staff has utilized the same criteria to conduct analysis of the amending ordinance request.

**1. Consistency:**

The subject property is located within the San Antonio International Vicinity Land Use Plan. Lot 1 (the larger, corner lot) is currently designated as Community Commercial; while Lot 2 (the smaller lot) is currently designated as Neighborhood Commercial in the Future Land Use component of the plan. The properties are also located in the North Sector Plan, which identifies the entire subject property area as Mixed Use Center. The proposed amending ordinance does not constitute a change of zoning; therefore, a finding of consistency is not required.

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

Staff has found no evidence of likely adverse impacts on neighboring lands in relation to this ordinance amendment request.

**3. Suitability as Presently Zoned:**

The current zoning district is appropriate for the subject property and surrounding area. There are a variety of different base zoning districts adjacent to the subject property, ranging from "R-6" to "C-3".

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

**6. Size of Tract:**

The subject property is 3.615 of an acre in size, which should be able to reasonably accommodate the uses permitted in "C-2".

**7. Other Factors:**

The amending ordinance request is meant to allow access to the subject property from George Road. When the property was platted, a 1-foot non-access easement was included on the plat in accordance with the ordinance. Should Ordinance 73082 be amended as requested, an amending plat will be required to fully remove the recorded easement.

Should the request be approved, the amended ordinance will pertain only to Lots 1 and 2.

There is no request to change the zoning for the subject property. The property is zoned "C-2 AHOD MLOD-1" Commercial Airport Hazard Overlay Camp Bullis Military Lighting Overlay District.