



# City of San Antonio

## Legislation Details (With Text)

**File #:** 14-1220

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 6/19/2014

**Title:** ZONING CASE # Z2014160 CD (District 3): An Ordinance amending the Zoning District Boundary from "UD AHOD" Urban Development Airport Hazard Overlay District to "C-2NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales (Full Service) on Lot 28, NCB 11156 located on a portion of the 11900 Block of Southeast Loop 410. Staff and Zoning Commission recommend approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2014-160 CD, 2. Z2014160 CD\_Site Plan, 3. Z2014160 CD, 4. 14-1220 Z2014160 CD DRAFT ORDINANCE, 5. Ordinance 2014-06-19-0486

Date	Ver.	Action By	Action	Result
6/19/2014	1	City Council A Session	Motion to Approve	

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 3

**SUBJECT:**

Zoning Case Z2014160 CD

**SUMMARY:**

**Current Zoning:** "UD AHOD" Urban Development 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 (Full Service).

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** May 20, 2014

**Case Manager:** Pedro Vega, Planner

**Property Owner:** Fernando Tovar, Jr.

**Applicant:** Tober Engineering, LLC (Joseph E. Tober, P.E.)

**Representative:** Tober Engineering, LLC (Joseph E. Tober, P.E.)

**Location:** A portion of the 11900 Block of Southeast Loop 410

**Legal Description:** Lot 28, NCB 11156

**Total Acreage:** 0.387

**Notices Mailed**

**Owners of Property within 200 feet:** 12

**Neighborhood Associations:** Villa Coronado Neighborhood Association

**Planning Team Members:** Heritage South Sector Plan - 15

**Applicable Agencies:** City of San Antonio Aviation Department

**Property Details**

**Property History:** The property was annexed in September of 1952 and was originally zoned “B” Residence District. In a 1986 City-initiated large-area case, the property was rezoned to “B-3NA” Non-Alcoholic Sales District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to “C-3NA” General Commercial Nonalcoholic Sales District. In a 2004 City-initiated large-area case, the property was rezoned to the current “UD” Urban Development District. The property was platted into its current configuration in 2013 (Volume 9659, page 127 of the Deed and Plat Records of Bexar County, Texas), and is occupied with an office building measuring 350 square feet and a detached carport measuring 1,000 square feet.

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

**Adjacent Zoning and Land Uses**

**Direction:** East, West and South across Chavaneaux Road

**Current Base Zoning:** “UD”

**Current Land Uses:** Outside Storage, Parking and Storage, Vacant Land and Single-Family Dwelling

**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:** South Loop 410 Access Road

**Existing Character:** Access Road; 2 lanes in one direction without sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Chavaneaux Road

**Existing Character:** Local Street; 1 lane in each direction without sidewalks

**Proposed Changes:** None known

**Public Transit:** The closest VIA bus line is number 42 which operate along Roosevelt Avenue, east of the subject property.

**Traffic Impact:** A Traffic Impact Analysis (TIA) 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 of use and building size. Motor Vehicle Sales uses are required to provide a minimum of 1 space per 500 square feet of Gross Floor Area (GFA) of sales and service building, and a maximum of 1 space per 375 square feet of GFA of sales and service building.

The Conditional Use site plan shows more parking spaces than the UDC allows; however, many of the spaces are meant as vehicle display. The applicant is working to amend the site plan to correctly show display area.

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the current urban development zoning, restricting future land uses to those permissible in the “UD” zoning district.

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**RECOMMENDATION:**

Staff and Zoning Commission (7-0) 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 located within the Heritage South Sector Plan and is currently designated as General Urban Tier 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 has found no evidence of likely adverse impacts on neighboring lands related to the zoning change request. The requested “C-2NA CD” Commercial Nonalcoholic Sales District with a Conditional Use for Motor Vehicle Sales (Full Service) would be appropriate at this location and will not alter the character of the area.

**3. Suitability as Presently Zoned:**

The existing “UD” zoning district is not suitable for the subject properties. The “UD” district allows commercial uses only within major or minor nodes, which are very specifically defined in Section 35-310.15(a) (3) of the UDC. As the subject property is not located within either a major or minor node, only residential uses are permitted within the “UD” district at this location.

However, new residential development is unlikely on the subject property due to their significant frontage along Interstate Highway South Loop 410.

The Flex District regulations in the UDC, including the “UD” district, are currently under review and significant revisions have been proposed by City staff. Should the proposed UDC amendment be approved, the “UD” district will no longer exist and all properties currently zoned “UD” will be rezoned.

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

Staff has found no indication of a likely negative influence on public health, safety or welfare in relation to this

zoning change request. The requested "C-2NA CD" Commercial Nonalcoholic Sales District with a Conditional Use for Motor Vehicle Sales (Full Service) is consistent with the surrounding land uses, which are commercial and industrial in nature.

**5. Public Policy:**

The requested zoning change does not appear to conflict with any public policy objectives. Both the current and proposed base zoning districts are consistent with the Heritage South Sector Plan, which was adopted by City Council on September 16, 2010.

**6. Size of Tract:**

The subject property is 0.387 of an acre in size, which is sufficient size to accommodate the uses permitted in the "C-2" district as well as the requested conditional use and required parking. The small size of the property will serve to limit the scale of the proposed development. The applicant has submitted a site plan in order to comply with the Conditional Use requirements.

**7. Other Factors:**

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. The granting of conditional zoning shall only be for the conditional use named in the ordinance (Motor Vehicle Sales) approving the conditional zoning district.