



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-7214

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 10/3/2019

**Title:** ZONING CASE Z-2019-10700153 CD (Council District 7): Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Live Entertainment without cover charge for 3 or more days a week on 0.5779 acres out of NCB 14160, located at 5455 Evers Road. Staff and Zoning Commission recommend Approval with Conditions. (Continued from September 19, 2019)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Field Notes, 6. Ordinance 2019-10-03-0835

Date	Ver.	Action By	Action	Result
10/3/2019	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 7

**SUBJECT:**

Zoning Case Z-2019-10700153 CD

**SUMMARY:**

**Current Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District

**Requested Zoning:** "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Live Entertainment without cover charge for 3 or more days a week

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 20, 2019

**Case Manager:** Mirko Maravi, Planner

**Property Owner:** Mike Litofsky, AHSATX, LLC

**Applicant:** James Prince and Jose R. Campos

**Representative:** James Prince and Jose R. Campos

**Location:** 5455 Evers Road

**Legal Description:** 0.5779 acres out of NCB 14160

**Total Acreage:** 0.5779

**Notices Mailed**

**Owners of Property within 200 feet:** 22

**Registered Neighborhood Associations within 200 feet:** None

**Applicable Agencies:** Texas Department of Transportation

**Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 35997, dated January 11, 1968. The property was rezoned by Ordinance 36245, dated January 29, 1968 from Temporary "R-1" One-Family Residence District to "B-2" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned "B-2" Business District converted to the current "C-2" Commercial District.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

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

**Current Land Uses:** Commercial uses

**Direction:** South

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

**Current Land Uses:** Gas station and other commercial use

**Direction:** East

**Current Base Zoning:** "MF-33" and "C-3"

**Current Land Uses:** Apartments and commercial use

**Direction:** West

**Current Base Zoning:** "C-2" and "R-6"

**Current Land Uses:** Vacant

**Overlay and Special District Information:**

"AHOD"

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:** Evers Road

**Existing Character:** Collector

**Proposed Changes:** None Known

**Public Transit:** VIA bus routes are within walking distance of the subject property.

**Routes Served:** 88, 607

**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:** The minimum parking requirement for a live entertainment venue is 1 space for every 100 square feet.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of "C-2". These districts permit general commercial activities designed to serve the community such as repair shops, wholesale businesses, warehousing and limited retail sales with some outdoor display of goods. These districts promote a broad range of commercial operations and services necessary for large regions of the city, providing community balance. "C-2" districts accommodate commercial and retail uses that are more intensive in character than "NC" and "C-1" uses, and which generate a greater volume of vehicular traffic and/or truck traffic.

**FISCAL IMPACT:**

None.

**PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

The subject property is within the Medical Center Regional Center and located within the Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (9-0) recommend Approval, with Conditions.

**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 North Sector Plan and is currently designated as "Mixed Use Center in the future land use component of the plan. The requested base zoning district of "C-2" is consistent with the future land use designation.

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

Staff does not find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request.

**3. Suitability as Presently Zoned:**

The current "C-2" Commercial District is an appropriate zoning for the property and surrounding area. The Conditional Use allows consideration of Live Entertainment with additional conditions if needed.

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

Staff has not found indication of likely adverse effects on the public health, safety, or welfare.

**5. Public Policy:**

The rezoning request is not within a neighborhood or community plan.

**6. Size of Tract:**

The subject property is 0.5779 acres, which could reasonably accommodate live entertainment uses.

**7. Other Factors:**

The Conditional Use 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.

If approved the Zoning Commission recommends the following conditions:

- 1) Hours of operation from 5:00p.m. -2:00a.m. Thursday through Saturday and 5:00p.m. to 12:00a.m. Sunday through Wednesday.
- 2) No outdoor amplification.