



City of San Antonio

Legislation Details (With Text)

File #: 20-4048

Type: Zoning Case

In control: City Council A Session

On agenda: 8/6/2020

Title: ZONING CASE Z-2020-10700103 CD (Council District 7): Ordinance amending the Zoning District Boundary from "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use to allow for Live Entertainment No Cover Charge 3 days a week to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use to allow for Food Processing and Storage on Lot 2, Block 3, NCB 14160, save and except 0.030 acres, located at 5455 Evers Road. Staff and Zoning Commission recommend Approval.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Warranty Deed, 6. Ordinance 2020-08-06-0503

Date	Ver.	Action By	Action	Result
8/6/2020	1	City Council A Session		

DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: 7

SUBJECT:

Zoning Case Z-2020-10700103 CD

SUMMARY:

Current 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

Requested Zoning: "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use to allow for Food Processing and Storage

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: June 16, 2020

Case Manager: Michael Pepe, Planner

Property Owner: Mike Litofsky, AHSATX, LLC

Applicant: Kenneth Garcia

Representative: Kenneth Garcia

Location: 5455 Evers Road

Legal Description: Lot 2, Block 3, NCB 14160 save and except 0.030 acres

Total Acreage: 0.49

Notices Mailed

Owners of Property within 200 feet: 12

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. The property was rezoned by Ordinance 201910030835 to "C-2 CD" Commercial District with a Conditional Use for Live Entertainment without cover charge for 3 or more days a week.

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 food and food products facility is 1 space for every 1,300 square feet. The minimum parking requirement for a food store is 1 space for every 300 square feet.

ISSUE:
None.

ALTERNATIVES:

CURRENT: “C-2” 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. The current CD also allows the operation of a live entertainment venue.

PROPOSED: “C-2” 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. The requested “CD” also allows operation of a food processing facility.

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 (10-0) recommend Approval.

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

1. Consistency:

The property is located Medical Center Regional Center plan and is designated as “Urban Mixed Use”. The

requested “C-2 CD” 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. The requested use mitigates potential impacts of the existing conditional use, a Live Entertainment Venue.

3. Suitability as Presently Zoned:

The current “C-2 CD” Commercial District is an appropriate zoning for the property and surrounding area. The Conditional Use allows consideration of Food and Food Products Processing. This would allow the applicant to operate a “C-3” use, but potentially mitigate impact through the application of conditions for example, the limitation of hours of operations, limitation of signage, or the requirement of additional buffering.

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 proposed rezoning is consistent with the following goals and principles of the Medical Center Regional Center Plan:

Strategy #1

Work with building and property owners to attract a more diverse mix of retail offerings with a focus on full-service restaurants, healthy food/grocery providers, entertainment, and fitness-oriented retailers.

Strategy #3

Prioritize appropriate siting, design, and programming of public places in mixed-use focus areas during planning and development review processes.

Goal 3:

Encourage vibrant, accessible, mixed-use activity nodes that serve the needs of the surrounding neighborhoods for area workers and visitors.

6. Size of Tract:

The subject property is 0.49 acres, which could reasonably accommodate food and food products processing, as well as food service establishment 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.

The applicant is requesting rezoning to operate a food production facility in the rear of the existing building, and a food market in front of the existing building.