



# City of San Antonio

## Agenda Memorandum

**File Number:**17-5207

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**Agenda Item Number:** Z-15.

**Agenda Date:** 10/5/2017

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 6

**SUBJECT:**

Zoning Case Z2017212

**SUMMARY:**

**Current Zoning:** "I-1 AHOD" General Industrial Airport Hazard Overlay District and "C-3 AHOD" General Commercial Airport Hazard Overlay District

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

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 5, 2017

**Case Manager:** Erica Greene, Planner

**Property Owner:** Paul Bayer (National Retail Properties, LP)

**Applicant:** Don Nicolini

**Representative:** Don Nicolini

**Location:** 6840 NW Loop 410

**Legal Description:** Lot 29, Block 4, NCB 16115

**Total Acreage:** 11.243

**Notices Mailed**

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

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

**Applicable Agencies:** Planning Department

### **Property Details**

**Property History:** The subject property was annexed into the City of San Antonio in 1972 and was previously zoned "Temporary R-1" Single-Family Residence District. A 1979 case, Ordinance #50880 zoned the subject property as "B-3" Business District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "C-3" General Commercial District. A 1995 case, Ordinance #82489 zoned a portion of the subject property as "I-1" Light Industry. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "I-1" General Industrial District.

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

### **Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** UZROW

**Current Land Uses:** UZROW

**Direction:** West

**Current Base Zoning:** I-1, C-3

**Current Land Uses:** Motel, Parking Lot, Body Shop

**Direction:** South

**Current Base Zoning:** I-1

**Current Land Uses:** Business Park

**Direction:** East

**Current Base Zoning:** C-3

**Current Land Uses:** Restaurant, Vacant Lot

**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:** North West Loop 410

**Existing Character:** Highway

**Proposed Changes:** None

**Public Transit:** VIA bus route #51 is within walking distance 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:** Retail: Variety Store-retail requires a minimum of 1 per 300 sf GFA and a maximum of 1 per 200 sf GFA

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the current zoning. In general, “C-2” Commercial districts accommodate community commercial uses, with unlimited building size, and building height limitation of 25 feet. Examples of permitted uses in “C-2” Commercial are as follows: liquor store, miniature golf and other indoor gaming facilities, small indoor movie theater, pet cemetery, auto & light truck oil, lube & tune-up, auto glass tinting, tire repair (sale and installation only), gas station, appliance sales & repair, charitable food & clothing banks and dry cleaning. No outdoor storage or display of goods is permitted except for outdoor dining.

**FISCAL IMPACT:**

None.

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

The subject property is not within a Regional Center or within a half mile of a 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 within the West/Southwest Sector Plan, and is currently designated as “General Urban Tier” in the future land use component of the plan. The requested “C-2” Commercial base zoning district is consistent with the future land use designation.

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

Staff finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The requested zoning change for commercial development blends in with the surrounding commercially zoned properties of the area.

**3. Suitability as Presently Zoned:**

The current “C-3” and “I-1” base zoning district are not appropriate for the subject property’s land use. The requested commercial zoning is more appropriate for the area. The surrounding properties to the west, south, and east are all include commercial uses.

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

Staff has found no indication of likely adverse effects on the public health, safety, or welfare. The surrounding land uses are all commercial properties. The requested zoning change to allow for a commercial zoning which is appropriate to the existing use of the property as a Home Decor Retailer and is consistent and compatible with the surrounding land uses.

**5. Public Policy:**

The rezoning request does not appear to conflict with land use goals and strategies of the West/Southwest Sector Plan that values existing and future businesses; businesses which in turn support the neighborhoods.

**6. Size of Tract:**

The subject property totals 11.243 acres in size, which should reasonably accommodate the uses permitted in “C-2” Commercial District.

**7. Other Factors:**

The applicant requests this zoning change to come into compliance to correct an existing nonconforming use. The proposed zoning change is an appropriate fit that supports the existing use of the property.