



# City of San Antonio

## Agenda Memorandum

**File Number:**18-2429

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**Agenda Item Number:** Z-5.

**Agenda Date:** 4/5/2018

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2018082

**SUMMARY:**

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

**Requested Zoning:** "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** March 6, 2018. This case is continued from the February 20, 2018 Zoning hearing.

**Case Manager:** Marco Hinojosa, Planner

**Property Owner:** Eli Vardi

**Applicant:** Eli Vardi

**Representative:** Eli Vardi

**Location:** 8103 Melbury Forest

**Legal Description:** 0.5670 acres out of NCB 16918

**Total Acreage:** 0.5670

**Notices Mailed**

**Owners of Property within 200 feet:** 9

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

**Applicable Agencies:** Randolph Air Force Base

### **Property Details**

**Property History:** The subject property was rezoned from Temporary “R-1” One-Family Residence District to “B-2” Business District by Ordinance 71279, dated March 22, 1990. The property converted from “B-2” to the current “C-2” Commercial District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

**Topography:** A portion of the property is located within the 100-year flood plain.

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

**Direction:** North

**Current Base Zoning:** “C-2”

**Current Land Uses:** Car Wash

**Direction:** East

**Current Base Zoning:** “OCL”

**Current Land Uses:** Single-Family Residences

**Direction:** South

**Current Base Zoning:** “OCL”

**Current Land Uses:** Single-Family Residences

**Direction:** West

**Current Base Zoning:** “C-3”

**Current Land Uses:** City Utilities and Commercial Center

### **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:** Melbury Forest

**Existing Character:** Local

**Proposed Changes:** None Known

**Public Transit:** VIA bus route is within walking distance of the subject property. Routes served: 632

**Thoroughfare:** Montgomery Drive

**Existing Character:** Secondary Arterial Type A

**Proposed Changes:** None Known

**Public Transit:** VIA bus route is within walking distance of the subject property. Routes served: 632

**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 is 1 per 500 sf GFA of sales and service building for Auto and Vehicle Sales. The minimum parking requirement is 1 per 500 sf GFA including service bays, wash tunnels and retail areas, plus 2 additional spaces for each inside service bay for Auto and Light Truck Repair.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designations of “C-2”. “C-2” allows for uses such as liquor store, miniature golf and other indoor gaming facilities, small indoor movie theater, pet cemetery, auto and 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.

**FISCAL IMPACT:**

None.

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

The subject property is not within a Regional Center. The property is located within a half mile of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial. The Zoning Commission recommendation is forwarded as Denial for lack of a motion.

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

**1. Consistency:**

The property is not located within an adopted Neighborhood, Community, Perimeter, or Sector Plan. Therefore, a finding of consistency is not required.

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

Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed rezoning to “C-3NA” is recommended at nodes of major arterials and highways. The current “C-2” is an appropriate buffer to the surrounding residential properties. The applicant amended to add “NA” to the request to restrict alcoholic beverage sales.

**3. Suitability as Presently Zoned:**

The current “C-2” Commercial District is an appropriate zoning for the property and surrounding area. Although some of the adjacent properties are outside the city limits, they still carry the “R-6” and “C-2” base zoning designations. The existing “C-3” to the west of the proposed rezoning is a CPS power grid station and right-of-way. Further encroachment of “C-3” uses is not encouraged or supported.

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

Staff has found indication of likely adverse effects on the public health, safety, or welfare. The proposed zoning change and development will have too much of an effect on the surrounding residential property.

**5. Public Policy:**

The proposed rezoning does appear to conflict with the following goals, principles, and objectives of the SA Tomorrow Comprehensive Plan.

SA Tomorrow Comprehensive Plan Relevant Goals and Objectives:

- GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
- GCF Goal 6: Growth and city form support community health and wellness.
- GCF Goal 7: Development practices that minimize, mitigate or avoid negative impacts on the city's natural resources, water supply, water quality, surface waterways and air quality.
- GCF P14: Establish appropriate buffers and transitions (land use, form and/or landscaping) between residential neighborhoods and surrounding higher-density development.

#### **6. Size of Tract:**

The subject property is 0.5670 acres, which would adequately support a development for commercial uses.

#### **7. Other Factors:**

Joint Base San Antonio (JBSA) has reviewed this request, located in the Randolph AFB Military Influence Area and has no objections to the proposed rezoning. Any additional requirements have been given to the applicant to coordinate with JBSA.