



# City of San Antonio

## Agenda Memorandum

**File Number:**19-3690

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**Agenda Item Number:** Z-3.

**Agenda Date:** 5/16/2019

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z-2018-900072

(Associated Plan Amendment PA-2019-11600003)

**SUMMARY:**

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

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

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** April 16, 2019

**Case Manager:** Mirko A. Maravi, Planner

**Property Owner:** 3831 Foster Investment, L.L.C

**Applicant:** Stephanie Stolte

**Representative:** Stephanie Stolte

**Location:** 3831 Foster Road

**Legal Description:** Lot P-63, NCB 16612

**Total Acreage:** 0.9310

**Notices Mailed**

**Owners of Property within 200 feet:** 8

**Registered Neighborhood Associations within 200 feet:** N/A

**Applicable Agencies:** N/A

### **Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 81104, dated December 31, 1994. The subject property was rezoned from Temporary "R-1" Single Family Residence District to "B-2" Business District by Ordinance 83222, dated November 21, 1995. 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 a slope or incursion in a flood plain.

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

**Direction:** North

**Current Base Zoning:** "R-6"

**Current Land Uses:** Church

**Direction:** East

**Current Base Zoning:** "C-2" and Right of Way

**Current Land Uses:** Commercial, OCL across Right of Way

**Direction:** South

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

**Current Land Uses:** Commercial

**Direction:** West

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

**Current Land Uses:** Commercial

### **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:** North Foster

**Existing Character:** Secondary Arterial Type A 86'

**Proposed Changes:** None Known

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

Routes Served: 630

**Traffic Impact:** Foster Rd is identified on the City's Major Thoroughfare Plan as a Secondary Arterial Type A (86' ROW). ROW dedication may be required.

**Parking Information:** The minimum parking requirement for a Pawn Shop is 1 space per 300 sf GFA

### **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 not located within any Regional Center or located within the Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial. Zoning Commission (8-2) recommends Approval, with the addition of "NA" Nonalcoholic Sales.

**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 IH-10 East Corridor Perimeter Plan and is currently designated as "Community Commercial" in the future land use component of the plan. The requested "C-3" base zoning district is not consistent with the future land use designation pending approval from associated Plan Amendment. The applicant is seeking a Plan Amendment to "Regional Commercial". Staff and Planning Commission recommend Denial of the Plan Amendment.

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

Staff does find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed "C-3" may result in intense commercial uses that can introduce more noise, pollution or heavy machinery into a residential and retail area.

**3. Suitability as Presently Zoned:**

The current "C-2" Commercial District is an appropriate zoning for the property and surrounding area. "C-2" zoning and uses typically act as a buffer to residential uses and provide goods and services to surrounding neighborhoods.

**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 does not appear to conflict with the following goals, principles, and objectives of the IH-10 East Corridor Perimeter Plan:

- Concentrate commercial facilities at designated locations, particularly intersections, in order to reduce unsightly strip development and adverse traffic impact upon residential areas using the following

hierarchy and general locations: (See IH 10 East Corridor Perimeter Plan map on page 33 for designated locations.)

- Coordinate land use planning with the county if state law changes occur to provide greater land use controls for the county.

**6. Size of Tract:**

The subject property is 2.141 acres, which could reasonably accommodate General Commercial Uses.

**7. Other Factors:**

By State law Pawn Shops cannot be conditioned down through zoning, therefore a zoning of “C-2 CD” cannot be considered.