



# City of San Antonio

## Agenda Memorandum

**File Number:**15-5885

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**Agenda Item Number:** 5.

**Agenda Date:** 11/17/2015

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2015191 CD

**SUMMARY:**

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

**Requested Zoning:** "C-2NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for a Construction Contractor Facility

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 17, 2015. This case was postponed on June 16, 2015.

**Case Manager:** Logan Sparrow, Senior Planner

**Property Owner:** Ruben T. Martinez

**Applicant:** Ruben T. Martinez

**Representative:** Ruben T. Martinez

**Location:** 9310 Northeast Loop 410

**Legal Description:** Lot 1, 2, and 3, Block 5, NCB 12875

**Total Acreage:** 0.8522

**Notices Mailed**

**Owners of Property within 200 feet:** 15

**Registered Neighborhood Associations within 200 feet:** Eastgate Neighborhood Association

**Planning Team:** I-10 East Corridor Planning Team-29

**Applicable Agencies:** San Antonio Independent School District

**Property Details**

**Property History:** The subject property is currently zoned “C-3 NA” General Commercial Nonalcoholic Sales District. The property was rezoned to “B-3 NA” Business Nonalcoholic Sales District, which was established by Ordinance 70527, dated November 2, 1989. Per the adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001) the subject property converted to the current “C-3 NA” General Commercial Nonalcoholic Sales District.

**Topography:** None.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** C-3NA

**Current Land Uses:** Construction Equipment Yard

**Direction:** East

**Current Base Zoning:** R-6

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

**Direction:** South

**Current Base Zoning:** C-3NA

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

**Direction:** West

**Current Base Zoning:** UZROW

**Current Land Uses:** NE Loop 410

**Overlay and Special District Information:** The subject property and all surrounding properties are located in the “AHOD” Airport Hazard Overlay District. The “AHOD” does not restrict permitted uses, but may require additional review from both the Development Services Department, as well as the Federal Aviation Administration.

**Transportation**

**Thoroughfare:** NE Loop 410

**Existing Character:** Highway, two lanes in each direction

**Proposed Changes:** None known.

**Thoroughfare:** Eastgate Street

**Existing Character:** Local Street, one lane in each direction without sidewalks

**Proposed Changes:** None known.

**Public Transit:** None.

**Traffic Impact:** A Traffic Impact Analysis (TIA) report is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

**Parking Information:** A Construction Contractor Facility must provide a minimum of one parking space per 1,500 square feet of gross floor area. They are permitted a maximum of one parking space per 300 square feet of gross floor area.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the zone change request will result in the subject property retaining its current “C-3NA” General Commercial Nonalcoholic Sales base zoning district.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval.

**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 in the Interstate-10 East Corridor Perimeter Plan and is currently designated as Community Commercial in the land use component of the plan. The requested “C-2” base zoning district is consistent with the future land use plan.

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

Staff has not found evidence of likely adverse impacts on neighboring lands in relation to this zone change request. Staff does recommend buffering between adjacent single-family zoning. The applicant’s previous request was to condition the storage of large semi-trucks onto the property, a use deemed inappropriate as it was adjacent to an established residential neighborhood. The use of a Construction Contractor Facility is a less intense use that is permitted with an “S” Specific Use Authorization in the “C-3” General Commercial base zoning district.

**3. Suitability as Presently Zoned:**

The existing “C-3NA” General Commercial Nonalcoholic Sales District is not appropriate for the surrounding area as the zone is not consistent with the I-10 East Corridor Perimeter Plan.

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

Staff has not found indication of likely adverse effects on the public health, safety, or welfare. Staff does recommend a bufferyard along the property lines to protect adjacent single-family development, but does find that the location suits the proposed use well.

**5. Public Policy:**

As the request is consistent with the I-10 East Corridor Perimeter Plan, staff finds that the request does not interfere with a stated public policy objective. Additionally, the plan stresses the importance of discouraging continued industrial activity, especially those related to trucking near residential communities. The proposed use is classified as a commercial activity, which is more consistent with the future land use plan.

**6. Size of Tract:**

The 0.8522 acre parcel of land is large enough for the proposed use.

**7. Other Factors:**

The Conditional Use zoning procedure is designed to provide a land use within an area 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 granting of conditional zoning shall only be for the conditional use named in the ordinance approving the Conditional Use zoning district provisions.

Staff recommends the following conditions:

- A.** A Type B bufferyard along the east property line is required Per Section 35-510
- B.** A Type A bufferyard along the north property line
- C.** No outdoor speakers
- D.** Exterior lighting should be downward facing and directed away from adjacent residential properties

Should the applicant wish to eliminate any of the required bufferyards they will be required to seek a variance from the Board of Adjustment.