



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 12, 2023

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**

ZONING CASE Z-2023-10700189 CD

**SUMMARY:**

Current Zoning: "C-1 RIO-4 AHOD" Light Commercial River Improvement Overlay 4 Airport Hazard Overlay District

Requested Zoning: "C-2 CD RIO-4 AHOD" Commercial River Improvement Overlay 4 Airport Hazard Overlay District with a Conditional Use for Auto and Light Truck Repair

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 19, 2023

**Case Manager:** Ann Benavidez, Zoning Planner

**Property Owner:** Catarino Terrazas

**Applicant:** FT Builder Services c/o Juan Francisco Telles

**Representative:** FT Builder Services c/o Juan Francisco Telles

**Location:** 1114 Probandt Street

**Legal Description:** Lot 60, NCB 6488

**Total Acreage:** 0.3928 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 37

**Registered Neighborhood Associations within 200 feet:** Lone Star Neighborhood Association

**Applicable Agencies:** World Heritage Organization, Office of Historic Preservation, Texas  
Department of Transportation

### **Property Details**

**Property History:** The subject property was located within the original 36 square miles of the City of San Antonio and was originally zoned “C” Apartment District. Property was rezoned by Ordinance 35307, dated April 6, 1967, to “B-3” Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-3” Business District converted to “C-3” General Commercial District. The property was rezoned by Ordinance 2018-08-02-0582, dated August 2, 2018, to the current “C-1” Light Commercial District.

### **Code & Permitting Details:**

There is no relevant code enforcement history for the subject property.

ZONING-NCU-APP-2023-11200098 (Nonconforming Use Rights) – June 2023

COM-PRJ-APP23-39801363 (Commercial Project Application – Addition) – July 2023

**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:** “R-6”, UZROW

**Current Land Uses:** Residential dwelling, Highway 90

**Direction:** South

**Current Base Zoning:** “R-6”, “R-6 CD”

**Current Land Uses:** Residential dwelling

**Direction:** East

**Current Base Zoning:** “R-6”

**Current Land Uses:** Residential dwelling

**Direction:** West

**Current Base Zoning:** “C-2”, “C-3”

**Current Land Uses:** Gas Station

### **Overlay District Information:**

The "AHOD" Airport Hazard Overlay District, due to the location of the property and its proximity to an airport or approach path, does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

The "RIO-4" River Improvement Overlay District is an overlay district to establish regulations to protect, preserve and enhance the San Antonio River and its improvements by establishing design standards and guidelines.

**Special District Information:**

No special district information.

**Transportation**

**Thoroughfare:** Probandt Street

**Existing Character:** Secondary Arterial Type B

**Proposed Changes:** None Known

**Thoroughfare:** McKay Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Public Transit:** There are VIA bus routes within walking distance of the subject property.

**Routes Served:** 46, 246

**Traffic Impact:** A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

**Parking Information:** The minimum parking requirement for an auto and light truck repair facility is 1 space per 500 square feet of gross floor area to include service bays, wash tunnels and retail areas, plus 2 additional spaces for each inside service bay.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "C-1" Light Commercial Districts accommodate neighborhood commercial uses which depend on a greater volume of vehicular traffic than an NC district. C-1 uses are considered appropriate buffers between residential uses and C-2 and C-3 districts and uses. Building size is limited to 5,000 square feet. Examples of permitted uses: arcade, boarding house, noncommercial athletic field, retail furniture sales, grocery store, nursery (retail – no growing of plants on site permitted), retail office equipment and supply, and retail rug or carpet sales. No outdoor storage or display of goods shall be permitted except for outdoor dining.

Proposed Zoning: "C-2 CD" Commercial Districts accommodate community commercial uses, with unlimited building size, and building height limitation of 25 feet. Examples of permitted uses: 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 shall be permitted except for outdoor dining.

If approved, the conditional use would permit an auto and light truck repair shop on the property.

**FISCAL IMPACT:**

None.

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

The subject property is located within the Downtown Regional Area Center and is within a ½ mile of the Rockport Subdivision Metro Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommends Approval, with Conditions.

- 1) hours of operation to 7:00am-7:00pm, Monday-Saturday
- 2) downward facing lighting
- 3) no outside amplification of sound
- 4) no temporary signs, bandit signs, snipe signs or wind-wavers.

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

1. **Consistency:** The subject property is located within the SA Tomorrow Downtown Area Regional Center Plan and is currently designated as “Community Commercial” in the future land use component of the plan. The requested “C-2 CD” base zoning district 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 proposed use aligns with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The current “C-1” Light Commercial District is an appropriate zoning for the property and surrounding area. The proposed “C-2 CD” Commercial District with a Conditional Use for Auto and Light Truck Repair is also appropriate. While the subject property is on residential block, it is situated on a commercial corridor and is amongst other medium intensity commercial properties. The property is abutting a major highway and fronts a Secondary Arterial B which is an appropriate location for commercial land use. The property has been operating as an auto repair shop since 2010 and attained registered non-conforming rights in June of 2023. Permitting the use by right on the property will allow them to develop the property outside the constraints of nonconforming use and will enable them to expand their building footprint. The development will be held to a prescribed site plan, and deviation from the approved site plan could potentially warrant additional Council consideration.
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 request does not appear to conflict with any public policy objectives of the SATomorrow Downtown Area Regional Center Plan:

- Goal 4: Diversify the Mix of Uses in the Downtown Core Cultivate entrepreneurship, small business, and innovation;
    - Create complete neighborhoods by providing residents with safe and convenient access to daily activities, goods, and services.
6. **Size of Tract:** The 0.3928 acre site is of sufficient size to accommodate the proposed commercial development.
7. **Other Factors:** This property is designated in the RIO-4 district. Any proposed exterior alterations and new construction associated with the proposal will require approval from the Office of Historic Preservation. Approval of a site plan or renderings submitted as part of a zoning application does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. In March 2023, the property received approval to construct a work bay addition.

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 rezoning to continue operation as Auto and Light Truck Repair and expand the building footprint.