



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 18, 2022

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 9

**SUBJECT:**

ZONING CASE Z-2022-10700141

(Associated Plan Amendment PA-2022-11600052)

**SUMMARY:**

**Current Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-3 AHOD" General Commercial Airport Hazard Overlay District

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

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 19, 2022

**Case Manager:** Ann Benavidez, Planner

**Property Owner:** Luis G. Ochoa

**Applicant:** Luis G. Ochoa

**Representative:** MaYu-Group LLC

**Location:** 11401 West Avenue

**Legal Description:** Lot 2 and Lot 3, Block 1, NCB 16244

**Total Acreage:** 1.281 Acres

**Notices Mailed****Owners of Property within 200 feet:** 22**Registered Neighborhood Associations within 200 feet:** Greater Harmony Hills**Applicable Agencies:** Planning Department**Property Details****Property History:**

The subject property is currently zoned "C-2 AHOD" Commercial Airport Hazard Overlay District, and "C-3 AHOD" General Commercial Airport Hazard Overlay District. The property was annexed into the City of San Antonio by Ordinance 18115 dated September 24, 1952, and originally zoned "A" Single-Family Residence District. The property was rezoned by Ordinance 42060 dated April 5, 1973, with a portion rezoned to "B-2" Business District, and a portion rezoned to "B-3" Business District. With adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the portion of the property zoned B-2" Business District converted to the current "C-2" Commercial District, and the portion of the property zoned "B-3" Business District converted to the current "C-3" General Commercial District

**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:** "C-3" "C-2"**Current Land Uses:** Automobile oriented commercial businesses, Restaurant, Car Wash**Direction:** South**Current Base Zoning:** "MF-33"**Current Land Uses:** Residential Dwelling**Direction:** East**Current Base Zoning:** "R-5" "MF-33" C-2"**Current Land Uses:** Automobile oriented commercial businesses, Residential Dwelling**Direction:** West**Current Base Zoning:** "C-2" "C-3R"**Current Land Uses:** Restaurant, Furniture Store, Self-Storage, Catering Service**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.

**Special District Information:** N/A.

**Transportation****Thoroughfare:** West Avenue**Existing Character:** Secondary Arterial A**Proposed Changes:** None Known**Thoroughfare:** Patricia Drive**Existing Character:** Collector**Proposed Changes:** None Known**Public Transit:** VIA bus routes are within walking distance of the subject property.**Routes Served:** 2, 602**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 most commercial retail uses is 1 space per 300 square feet of gross floor area.**ISSUE:**

None.

**ALTERNATIVES:****Current Zoning:** “C-2” 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.

“C-3” General Commercial districts are intended to provide for more intensive commercial uses than those located within the NC, C-1 or C-2 zoning districts. C-3 uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses: bar/tavern & nightclub, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market, home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in 35-510 of the Unified Development Code.

**Proposed Zoning:** “C-3” General Commercial districts are intended to provide for more intensive commercial uses than those located within the NC, C-1 or C-2 zoning districts. C-3 uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses: bar/tavern & nightclub, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler

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**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center but is in proximity to the San Pedro Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend Approval, pending Plan Amendment.

**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 San Antonio International Airport Vicinity Land Use 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. The applicant has requested a Plan Amendment to “Regional Commercial”. Staff and Planning Commission recommend approval.
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 subject property fronts West Avenue, which accommodates a plethora of commercial uses, ranging from medium to high intensity. West Avenue also acts as a buffer between the subject property and the only single-family residential uses in proximity.
3. **Suitability as Presently Zoned:** The current “C-2” Commercial District and “C-3” General Commercial District are both appropriate for the subject property and surrounding areas. The proposed “C-3” General Commercial District would provide uniform and consistent zoning throughout the property. The proposed level of intensity is consistent with the already existing commercial development pattern in the area.
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 of the public policy objectives of the San Antonio International Airport Vicinity Land Use Plan:
  - Key Theme 5: Preserve neighborhood integrity and preventing commercial encroachment.
  - Land Use Objective 2.2: Encourage commercial development that respects the integrity of existing residential development

6. **Size of Tract:** The subject property is 1.281 acres, which can reasonably accommodate the proposed and existing commercial development.
7. **Other Factors:** The applicant is requesting a rezoning to “C-3” General Commercial District to provide uniform zoning across the property, and to bring already existing business located within the property, into compliance.