



City of San Antonio

Agenda Memorandum

Agenda Date: April 6, 2023

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 7

SUBJECT:

ZONING CASE Z-2023-10700018

(Associated Plan Amendment PA-2023-11600003)

SUMMARY:

Current Zoning: "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District and "C-1 AHOD" Light Commercial Airport Hazard Overlay District

Requested Zoning: "C-3 CD AHOD" General Commercial Airport Hazard Overlay District with a Conditional Use for Oversized Vehicle Sales, Service or Storage

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: March 7, 2023

Case Manager: Elizabeth Steward, Zoning Planner

Property Owner: Padmasiri & Prabha Somawardana

Applicant: Cornell R Mangum II

Representative: Ron Mangum

Location: 8491 Abe Lincoln

Legal Description: the south 180 feet of the north 475 feet of Lots 1 and 2, Block 1, NCB 14662

Total Acreage: 2.82

Notices Mailed**Owners of Property within 200 feet:** 7**Registered Neighborhood Associations within 200 feet:** Alamo Farmsteads/ Babcock Road Neighborhood Association**Applicable Agencies:** Planning Department**Property Details**

Property History: The property was annexed into the City of San Antonio by Ordinance 41426, dated December 26, 1972, and zoned Temporary "R-1" Single-Family Residence District. The property was rezoned by Ordinance 60318, dated February 28, 1985, to "B-1" Business District. A portion of the property was rezoned by Ordinance 84734, dated September 12, 1996, to "B-3 NA" Business Nonalcoholic Sales District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3 NA" Business Nonalcoholic Sales District converted to the current "C-3 NA" General Commercial Nonalcoholic Sales District, and the property zoned "B-1" Business District converted to the current "C-1" Light Commercial District.

Topography: The property does not include any abnormal physical features such as slope or incursion in a floodplain.

Adjacent Base Zoning and Land Uses**Direction:** North**Current Base Zoning:** O-2**Current Land Uses:** Water Tower**Direction:** South**Current Base Zoning:** C-2**Current Land Uses:** Dental Clinic**Direction:** East**Current Base Zoning:** C-1 and C-2**Current Land Uses:** Vacant**Direction:** West**Current Base Zoning:** RE and MF-33**Current Land Uses:** Large Lot Residential Single-Family**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: Abe Lincoln

Existing Character: Collector

Proposed Changes: None Known

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

Routes Served: 604, 609

Traffic Impact: The traffic generated by the proposed development does not exceed the threshold requirements. Development generates less than seventy-six (76) PHT Sec. 35-502** A TIA Report is not required.

Parking Information: The minimum parking requirement for Oversized Vehicle Sales, Service, and Storage is 1 space per 500 sf GFA including service bays, wash tunnels and retail areas.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: The "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.

The "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.

The "C-3NA" General Commercial Nonalcoholic Sales Districts are identical to C-3 districts except that the sale of alcoholic beverages is prohibited.

Proposed Zoning: The "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.

The "CD" Conditional Use will allow for Oversized Vehicle Sales, Service, and Storage.

FISCAL IMPACT:

None

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

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

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission recommend Denial.

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 Huebner/ Leon Creeks Community Plan and is currently designated as "Medium Density Residential" in the future land use component of the plan. The requested "C-3 CD" 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 Denial.
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 use is not consistent with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The existing "C-1" Light Commercial District is appropriate for the area. The "C-3NA" General Commercial Nonalcoholic Sales District is not an appropriate zoning for the property and surrounding area. The "C-1" Light Commercial zoned area to the rear of the property provides a built-in buffer to the abutting "RE" Rural Estate and "MF-33" multi-Family District. The requested "C-3 CD" General Commercial District with Conditional Use for Oversized Vehicle Sales, Service, and Storage is not an appropriate zoning for the property and surrounding area due to its high intensity nature. This is a use typically allowed by right in the "L" Light Industrial or "I-1" General Industrial zoning districts by right.
4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare. The use of Oversized Vehicle Sales, Service, and Storage has the potential to introduce harmful materials at the property and surrounding area and could cause excess noise in proximity to single family homes.

5. **Public Policy:** The request does appear to conflict with public policy objectives of the Huebner/ Leon Creeks Community Plan.
- Objective 1.3: Low Density Maintain the low density development pattern.
 - Objective 1.4: Neighborhood Conservation and Nodal Development Seek techniques to maintain existing development patterns.
 - Objective 1.1: Growth Management Promote new commercial and residential development that is respectful of the primarily residential character of the area.
6. **Size of Tract:** The 2.82 acre site is of sufficient size to accommodate the proposed commercial development.
7. **Other Factors:** The applicant has submitted a site plan that is not completed in accordance with the requirements of the code. The site plan indicates two (2) buildings and truck parking, but does not contain the necessary elements for approval of a site plan.

While amending the request to “C-2 CD” Commercial with Conditional Use for Oversized Vehicle Sales, Service, and Storage is an option for the applicant. Staff still does not recommend approval due to the intensity of the use and the existing reported nuisances. If the request is amended, a Plan Amendment to “Community Commercial” will still be required.

The zoning request includes a request for nonresidential uses adjacent (refer to definition in Appendix A as there is a difference between abutting and adjacent) to an existing single family residential use, the applicant is required to construct and maintain a 6-foot solid screen fence, prior to obtaining a Certificate of Occupancy, per Section 35-514(d). The applicant can request City Council modify or exempt this requirement.

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 to conduct the storage of Oversized Vehicles.

For properties that abut lots zoned residential or are developed with a single-family use, the height is restricted to the maximum height of the single-family district within 50 feet of the property line.