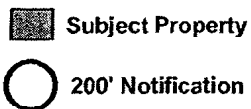


ZONING CASE: Z2004-149

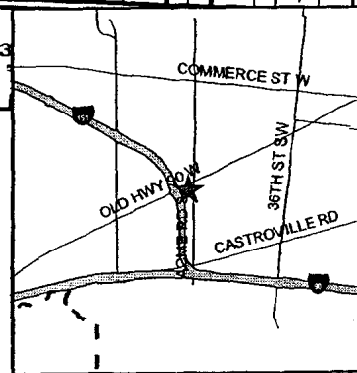
City Council District NO. 6
 Requested Zoning Change
 From: C-3R and I-1 To C-2
 Date: August 26, 2004
 Scale: 1" = 200'



E-6
 p.614



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 (A.Z.)



CASE NO: Z2004149

Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from July 6, 2004

Date: August 26, 2004

Zoning Commission Meeting Date: July 20, 2004

Council District: 6

Ferguson Map: 614 E6

Appeal: No

Applicant:

Jack in the Box, LLP

Owner:

City of San Antonio (Department of Asset Management)

Zoning Request: From C-3R Commercial District, Restrictive Alcoholic Sales (1.40 acres) and I-1 General Industrial District (1.56 acres) to C-2 Commercial District

2.96 acres out of Block 7, NCB 13940

Property Location: On the south side of Old Highway 90 West between State Highway 151 and South Acme Road

Proposal: Fast-Food Restaurant and Convenience Market with Gasoline Pumps

Neighborhood Association: Community Workers Council

Neighborhood Plan: None

TIA Statement: A Level 1 Traffic Impact Analysis was submitted as required

Staff Recommendation:

Approval. The subject property is undeveloped and adjacent to the "MAOZ-1" Military Airport Overlay Zone District. Access to the property will be from the State Highway 151 access road (one driveway), Old Highway 90 West (two driveways) and gain additional access through a joint-use driveway onto South Acme Road. Proposed development of the site is to construct a Fast-Food Restaurant and Convenience Market with Gasoline Pumps on the portion of the subject property outside of the "MAOZ-1" Military Airport Overlay Zone District. Considering the location of the subject property, the proposed development would be an asset to the community.

Zoning Commission Recommendation:

Approval

VOTE

FOR 8

AGAINST 0

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Pedro Vega 207-7980

Z2004149

ZONING CASE NO. Z2004149 – July 6, 2004

Applicant: Jack in the Box, LLP

Zoning Request: "C-3R" Commercial District, Restrictive Alcoholic Sales (1.40 acres), "I-1" General Industrial District (1.56 acres), "C-3NA" General Commercial Nonalcoholic Sales District MAOZ-1 (1.00 acres) and "I-1" General Industrial District MAOZ-1 (1.10 acres) to "C-2" Commercial District (2.96 acres) and "C-2" Commercial District MAOZ-1 (2.10 acres).

Jason Rogers, representing the applicant, stated the purpose of this request is to allow construction of a Jack in the Box restaurant with gasoline pumps on a portion of the tract. He stated the gasoline pumps would be outside the MAOZ zone and the 12 parking spaces would be within the MAOZ. He further stated he would continue to work with Mr. De La Cruz to address the traffic issues. He stated they are currently resubdividing this tract to three lots and have dedicated lot 1 as green space to the City of San Antonio.

FAVOR

Nancy Wolleman, real estate manager for Jack in the Box, stated she is in support of this request. She stated they are currently taking the property that is within the MAOZ for industrial use and converting a small portion of that into 12 parking spaces and removing any possible industrial buildings being on there for the future. She further stated they would be dedicating a portion to the City of San Antonio for green space with the intent to maintain it.

OPPOSE

Ed Roberson, Lackland Air Force Base, Environmental Flight Chief, stated they are in opposition of this zoning change. He stated Airfield area from Kelly was realigned to Lackland in July 2001 – now called Kelly Field Annex at Lackland AFB. He stated flying activity at Kelly Field Annex is planned to increase in the near future due to mission changes at Lackland and industrial growth Kelly USA. Local land use must be compatible with flight operations to support this planned growth. Their responsibilities are to ensure that the 36,000 residents and workers on Lackland comply with all federal, state and local environmental laws while performing their missions, air emissions, waste and storm water discharge, hazardous waste and material management. He stated encroachment is their number 1 problem facing military installations throughout the world. Encroachment defined as any activity or resource that limits how missions are conducted on an installation. All installations have some type of encroachment. Air Installation Compatible Use Zones assist local, regional, state and federal officials in protecting and promoting the public health, safety, and welfare by promoting compatible

development within the AICUZ area of influence. It also protects Air Force operational capability from effects of land use, which are incompatible with aircraft operations. AICUZ also focuses on noise levels and land use around airfields. He stated AICUZ recommends no commercial activities in APZ I (equals MAOZ-1). Changing the property currently zoned as I-1 MAOZ-1 to C-2 MAOZ-1 is not consistent with AICUZ and land currently zoned as C-3 NA MAOZ-1 is not consistent with AICUZ either. MAOZ and AICUZ both created to protect the public near the airfield and ensure continued airfield operations. He feels Changing zoning in manner that is inconsistent with AICUZ recommendations sets precedent for future zoning actions; Aligning zoning with AICUZ recommendations strengthens San Antonio's commitment to Lackland and Kelly USA expansion and Protection of airfield helps military operations and redevelopment efforts at Kelly USA. He stated we need your continuing support; protect and promote the safety and public health of citizens and to keep local land use and development within the APZs compatible with current and future operations. He would like the project and zoning be modify to reflect Lackland Alternative.

REBUTTAL

Nancy Wolleman, real estate manager for Jack in the Box, stated the property is currently zoned industrial. This area is in need of new development that would beautify the area. She feels this zoning request would enhance the appearance and is consistent with the other commercial uses. She further stated they have dedicated a portion to the City of San Antonio as green space with the intent to maintain it.

Staff stated there were 21 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Dutmer and seconded by Commissioner Grau to recommend tabling this case to the end of the agenda.

**AYES: Martinez, Grau, Kissling, Dutmer, Dixon, Sherrill, McAden, Avila,
Stribling, Peel**

NAYS: None

THE MOTION CARRIED

Z2004149

ZONING CASE NO. Z2004149 – July 6, 2004

Commissioner Dutmer made a motion and was seconded by Commissioner Dixon to reopen this case for action.

**AYES: Martinez, Grau, Kissling, Dutmer, Dixon, Sherrill, McAden, Avila,
Stribling, Peel**

NAYS: None

THE MOTION CARRIED

Gordon Russell, stated he would like to request a two continuance to further discuss this project with City staff and the representative for the Air Base.

COMMISSION ACTION

The motion was made by Commissioner Peel and seconded by Commissioner Grau to recommend a continuance until July 20, 2004.

1. Property is located on Tract A, Block 7, NCB 13940 at Old Highway 90 West.
2. There were 21 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends approval.

**AYES: Martinez, Grau, Kissling, Dutmer, Dixon, Sherrill, McAden, Avila,
Stribling, Peel**

NAYS: None

THE MOTION CARRIED

Z2004149

ZONING CASE NO. Z2004149 – July 20, 2004

Applicant: Jack in the Box, LLP

Zoning Request: "C-3R" Commercial District, Restrictive Alcoholic Sales (1.40 acres), "I-1" General Industrial District (1.56 acres), "C-3NA" General Commercial Nonalcoholic Sales District MAOZ-1 (1.00 acres) and "I-1" General Industrial District MAOZ-1 (1.10 acres) to "C-2" Commercial District (2.96 acres) and "C-2" Commercial District MAOZ-1 (2.10 acres).

Jason Rogers, representing the applicant, stated they are proposing to develop a Jack in the Box and a convenience market with gasoline pumps. He stated he has met the representatives for Lackland Air Force Base to address their concerns and have reached an agreement.

Staff stated there were 22 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Peel and seconded by Commissioner Grau to recommend approval.

1. Property is located on 2.96 acres out of Block 7, NCB 13940 at Old Highway 90 West.
2. There were 22 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends approval.

AYES: Martinez, Grau, Cardenas-Gamez, Dutmer, Dixon, McAden, Stribling, Peel

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.