

MAYOR AND COUNCIL COMMUNICATION

DATE: September 15, 2020 **M&C # 2020-09-15-01 B. MELLAND**
TO: Mayor and Council
FROM: Brandon Melland, Planning and Zoning Director
THROUGH: Kelly Kuenstler, City Manager

SUBJECT: Presentation and Discussion on An Ordinance on A Request by John Flores, For A Specific Use Permit for Automotive Lubrication Services, at 6712 Bandera Road; Generally Located on The West Side of Bandera Road, Between Poss Road and Grissom Road; And A Public Hearing on Said Request (1st Reading as Required by City Charter)

PURPOSE

Applicant:

John Flores
11441 Huebner Road
San Antonio, TX 78230

Property Information:

Address: 6712 Bandera Road
Legal Description: CB 5784 Blk 4 Lot 65 Amending Plat of Quality Subdivision
Owner: Khalil Family LTD
Existing Zoning: B-3, Commercial District, SO, Sustainability Overlay District

Notice:

Published Notice: August 28, 2020
Personal Notice: August 14, 2020

Summary:

The applicant is Mr. John Flores, the owner of the three-tenant facility located at 6712 Bandera Road. The facility was designed to have a car wash, automobile lubrication facility, and a retail suite. The lubrication and car wash facilities are not currently in operation. The only remaining business is AMCO Auto Insurance in the retail suite.

Mr. Flores recently leased the portion of the facility designed for automobile lubrication to Mr. Eric Galindo. By his own admission, Mr. Galindo invested approximately \$30,000 into refurbishing this portion of the facility. The improvements that he made, unfortunately did not require a building permit, so staff was not aware.

However, the Sustainability Overlay District was applied to the property in 2009 and does not permit the Automotive Lubrication Services use. Therefore, staff could not issue Mr. Galindo a certificate of occupancy without a change in zoning on the property.

As an alternative course of action, Staff felt it reasonable to amend the Sustainability Overlay Standards to allow for the Automotive Lubrication Services use provided they are conducted in a facility originally constructed for the use and that they do not expand. Staff felt that this was a middle-ground solution that does not allow new land to be developed for commercial uses, but also still allows property owners to use their land and buildings for the purpose they were designed for.

Thus, on July 21, 2020, the City Council approved an amendment to allow automotive lubrication facilities with Specific Use Permit (SUP). Therefore, the applicant is now seeking to utilize this recent amendment for the current request and is doing so for his tenant. Upon approval, Mr. Galindo can obtain a Certificate of Occupancy from the City and open his business.

Analysis:

The purpose of a Specific Use Permit is generally to ensure that a use is compatible with surrounding uses, as well as ensure that other special factors such as traffic, parking, noise, and buffering be addressed.

In this case, the property which is served by Bandera Road, is designed with adequate maneuvering and parking, and does not have any compatibility issues with adjacent properties; as all neighboring properties are zoned for retail and commercial use. The City Engineer and Fire Marshal have reviewed the site plan for the facility and do not have any concerns.

Additionally, *Appendix C, I, C, 3(a - j) "Specific Use Permit Process,"* of the City's zoning code specifies additional criteria for consideration. Staff finds that this request generally meets this additional criteria to a reasonable extent, except for the following:

- d. The extent that connectivity among proposed and existing rights-of-way is demonstrated.*

- f. The application exhibits compatibility with the requirements and guidelines of these overlay district standards.*

Regarding compatibility with overlay district standards, the main aspects of the property that are not in compliance are streetscaping and signage. Because the property owner has made improvements to the property, Staff believes that additional improvements

should be made to bring the property more into compliance with the overlay district standards.

However, staff believes that such improvements should be proportional to the value of the improvements made to the lubrication facility, which equal approximately \$30,000. Thus, staff believes it reasonable - at a minimum - to require that streetscaping be brought into compliance.

Therefore, the applicant is proposing the streetscaping improvements illustrated in the attached Exhibit B. These include the reconstruction of the middle driveway into a curbed and landscaped median with canopy trees planted every 30 feet.

Regarding connectivity, the applicants are also proposing to dedicate a 26-foot-wide easement between the southern border of their facility and their southernmost property line, for the purpose of providing access to the 3-acre tract west of their property. That property is being proposed for development as a mixed-use oriented project. Similar easements will be dedicated by the mixed-use project, at the time of platting, to provide equal connectivity to adjacent tracts.

SEE LEON VALLEY

Social Equity - Approval of this request will facilitate streetscape improvements and provide for enhanced connectivity to the mixed-use project area.

Economic Development - Approval of this request will provide for an additional business in Leon Valley.

Environmental Stewardship - N/A

FISCAL IMPACT

Approval of this request will facilitate additional sales and ad valorem tax from this property.

STRATEGIC GOALS

N/A

P&Z COMMISSION RECOMMENDATION

The Planning & Zoning Commission recommended unanimous approval of this request at their August 25, 2020 meeting, subject to the following conditions:

1. That automobile lubrication activities may only be conducted in the area illustrated in Exhibit A as “Oil Change Suite.”
2. That the improvements proposed in Exhibit B be constructed within 6 months of the issuance of a certificate of occupancy for Automobile Lubrication on the property.
3. That streetscaping and landscaping be provided pursuant to Chapter 15, Appendix C.
4. That a minimum 26-foot-wide public utility/public access easement be dedicated along the entire southern boundary of the property

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL GRANTING A SPECIFIC USE PERMIT FOR AUTOMOBILE LUBRICATION SERVICES AT 6712 BANDERA ROAD; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS Chapter 211 of the Vernon's Local Government Code empowers cities to enact zoning regulations and provide for their administration, enforcement, and amendment; and

WHEREAS the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City, in order to promote the public health, safety, and welfare of the residents of the City; and

WHEREAS the Leon Valley Code of Ordinances Chapter 15 Zoning constitutes the City's zoning regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

WHEREAS the Planning & Zoning Commission of the City of Leon Valley provided adequate notice and held a public hearing in accordance with Chapter 15 of the Leon Valley Code of Ordinances; and

WHEREAS the Planning & Zoning Commission of the City of Leon Valley has recommended approval of Specific Use Permit 2019-11, to allow for Automobile Lubrication Services; and

WHEREAS the City Council of the City of Leon Valley now desires to grant a Specific Use Permit, as requested by applicant John Flores, for Automobile Lubrication Services at 6712 Bandera Road.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, THAT:

SECTION 1. The property located at 6712 Bandera Road, more specifically described as NCB 5784 Blk 4 Lot 65 Quality Subdivision, is hereby granted a Specific Use Permit for Automobile Lubrication Services, subject to the following conditions:

1. That automobile lubrication activities may only be conducted in the area illustrated in Exhibit A as "Oil Change Suite."
2. That the improvements proposed in Exhibit B be constructed within 6 months of the issuance of a certificate of occupancy for Automobile Lubrication on the

property.

3. That streetscaping be installed pursuant to Chapter 15, Appendix C, of the City of Leon Valley Code or Ordinances.
4. That a minimum 26-foot-wide public utility/public access easement be dedicated along the entire southern boundary of the property.

SECTION 2. That this ordinance shall be cumulative of all provisions of the City of Leon Valley, Texas, except where provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event, conflicting provisions of such Ordinance are hereby repealed.

SECTION 3. That it is hereby declared to be the intention of the City Council of the City of Leon Valley that this Ordinance is not severable.

SECTION 4. The ordinance shall be effective upon passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 15th day of September 2020.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: City Attorney