



# City of San Antonio

## Legislation Details (With Text)

**File #:** 13-851

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 12/19/2013

**Title:** ZONING CASE # Z2013211 (District 1): An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District on Lots 51, 52 and the east 12 feet of Lot 9, Block 2, NCB 8417 located at 244 and 250 Sherwood Drive. Staff recommends denial. Zoning Commission recommends approval, pending the plan amendment. (Associated Plan Amendment Case # 13051) (Continued from December 5, 2013)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2013211, 2. Z2013-211, 3. Ordinance 2013-12-19-0927

Date	Ver.	Action By	Action	Result
12/19/2013	1	City Council A Session	Motion to Appr w Cond	Pass
12/5/2013	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**SUBJECT:**

Zoning Case Z2013211

**SUMMARY:**

**Current Zoning:** "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 15, 2013

**Case Manager:** Pedro Vega, Planner

**Property Owner:** Joy Learning Center, LLC (by LaTanya Price, Managing Member)

**Applicant:** Joy Learning Center, LLC (by LaTanya Price, Managing Member)

**Representative:** Langley & Banack, Inc. (Paul Fletcher)

**Location:** 244 and 250 Sherwood Drive

**Legal Description:** Lots 51, 52 and the east 12 feet of Lot 9, Block 2, NCB 8417

**Total Acreage:** 2.0131

**Notices Mailed**

**Owners of Property within 200 feet:** 19

**Neighborhood Associations:** Los Angeles Heights Neighborhood Association

**Planning Team Members:** 18-Near Northwest Community Plan

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property was annexed in May of 1940, and was originally zoned "A" Single Family Residence District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "R-5" Residential Single-Family District. The property consists of two platted lots and a portion of a third lot. The property at 250 Sherwood Drive is developed with two residential structures measuring 3,017 and 1,080 square feet in size that were built in 1932, and formerly served as a church and outreach center. The property at 244 Sherwood Drive is developed with two residential structures measuring 1,348 and 440 square feet in size that were built in 1949 and has previously been operated as a childcare facility.

**Topography:** The property does not include any abnormal physical features such as slope or inclusion in a flood plain.

**Adjacent Zoning and Land Uses**

**Direction:** West

**Current Base Zoning:** "R-5", "MF-33", "C-1" and "C-2"

**Current Land Uses:** Single-Family Dwelling, Parking Lot and Post Office

**Direction:** North

**Current Base Zoning:** "RM-4", "C-2" and "C-3NA"

**Current Land Uses:** Hotel, Auto Sales, Uniform Service Company, Single-Family Residence and an Office

**Direction:** East

**Current Base Zoning:** "O-2" and "R-5"

**Current Land Uses:** Office and Single-Family Dwellings

**Direction:** South

**Current Base Zoning:** "R-5"

**Current Land Uses:** Single-Family Dwellings and Vacant Lot

**Overlay and Special District Information:** All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

**Transportation**

**Thoroughfare:** Sherwood Drive

**Existing Character:** Local Street; one lane in each direction with partial sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Vance Jackson Road

**Existing Character:** Secondary Arterial Type A; 2 lanes in each direction with sidewalks

**Proposed Changes:** None known

**Public Transit:** The VIA bus line number 96 operates along Vance Jackson Road, with multiple stops near the subject property.

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

**Parking Information:** Off-street vehicle parking requirements are typically determined by the type of use and building size.

Day Care Center - Child and/or Adult Care - Minimum Parking Requirement: 1 space per 375 square feet of Gross Floor Area (GFA). Maximum Parking Requirement: 1.5 spaces per 375 square feet of Gross Floor Area (GFA).

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of this zoning request would result in the subject property retaining the current residential zoning classification, prohibiting the proposed Daycare Center.

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**RECOMMENDATION:**

Staff recommends denial. Zoning Commission (8-0) recommends approval, pending the plan amendment.

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

**1. Consistency:**

The subject property is located within the Near Northwest Community Plan and is designated as Urban Low Density Residential in the future land use component of the plan. The requested "C-2" base zoning district is not consistent with the adopted land use designation. A plan amendment has been initiated, requesting to change the land use designation to Community Commercial. Staff recommends denial of Community Commercial, with an alternate recommendation of approval of Neighborhood Commercial. Planning Commission recommends approval of Community Commercial.

The Community Commercial designation includes medium and high intensity land uses that draw its customer base from a larger community. Community Commercial uses are typically located on arterials at major intersections (nodes) or in established commercial areas along arterials.

The Neighborhood Commercial designation accommodates small-scale office and retail uses, limited to 5,000 square feet in size, and encourages parking to the rear of the primary structure.

## **2. Adverse Impacts on Neighboring Lands:**

The “C-2” district allows a wide range of commercial uses, some of which may be too intense for the subject property and abutting residences. The property is in close proximity to an established commercial area, and the requested zoning change could encourage commercial encroachment into the residential neighborhood. However, staff recognizes that the properties are not likely to revert to residential uses. They have long been used as a religious facility with childcare services, the lot abutting to the east is zoned “O-2” and is developed as an office, and the area’s proximity to an established commercial node increases the likelihood of adaptive reuse of the residences as office and service uses.

## **3. Suitability as Presently Zoned:**

The adopted Near Northwest Community Plan identifies the subject property as Urban Low Density Residential in the Future Land Use component of the plan. The existing “R-5” zoning district is consistent with the adopted land use plan.

## **4. Health, Safety and Welfare:**

Staff has found no indication of likely adverse effects on the public health, safety or welfare.

## **5. Public Policy:**

The Near Northwest Community Plan was adopted in February of 2002. The plan was adopted as components of the City’s Comprehensive Master Plan. The subject property does not meet the recommended location criteria for the requested classification, which is most appropriate at intersections and along arterial roadways where traffic can easily be facilitated in an efficient manner. However, Goal 2, Objective 2.2 of the Near Northwest Community Plan encourages business development and creating opportunities for new business development to ensure a diversity of attractive businesses in pedestrian friendly environments.

## **6. Size of Tract:**

The subject property is 2.0131 acres and appears to be of sufficient size to accommodate uses permitted in the “C-2” district. Childcare facilities are permitted in the “NC” Neighborhood Commercial and “C-1” Light Commercial zoning districts. These districts carry individual and aggregate building size limits of 3,000/5,000 square feet and 5,000/15,000 square feet, respectively. The large size of the subject property can accommodate larger uses than those allowed in the “NC” and “C-1” zoning districts.

## **7. Other Factors:**

None.