



City of San Antonio

Legislation Details (With Text)

File #: 13-702

Type: Zoning Case

In control: City Council A Session

On agenda: 1/16/2014

Title: ZONING CASE # Z2013159 CD (District 5): An Ordinance amending the Zoning District Boundary from "NC AHOD" Neighborhood Commercial Airport Hazard Overlay District to "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales allowing a fence up to six (6) feet in height along the front yard in accordance with Section 35-514 (d)(2)(D) of the Unified Development Code on Lots 9 and 10, Block 49, NCB 7982 located at 906 Berlin Avenue. Staff and Zoning Commission recommend denial. (Continued from October 17, 2013)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Z2013-159, 2. Z2013159 CD, 3. Z2013159 CD_Site Plan, 4. Draft Ordinance, 5. Ordinance 2014-01-16-0038

Date	Ver.	Action By	Action	Result
1/16/2014	1	City Council A Session		
10/17/2013	1	City Council A Session	Motion to Cont/Post	Pass

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICTS IMPACTED: Council District 5

SUBJECT:

Zoning Case Z2013159 CD

SUMMARY:

Current Zoning: "NC AHOD" Neighborhood Commercial Airport Hazard Overlay District

Requested Zoning: "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: August 20, 2013

Case Manager: Brenda V. Martinez, Planner

Property Owner: Norma Sotelo

Applicant: Norma Sotelo

Representative: Norma Sotelo

Location: 906 Berlin Avenue

Legal Description: Lots 9 and 10, Block 49, NCB 7982

Total Acreage: 0.1435

Notices Mailed

Owners of Property within 200 feet: 25

Neighborhood Associations: None

Planning Team Members: 33 (Kelly/South San Pueblo Community Plan)

Applicable Agencies: None

Property Details

Property History: The subject property was annexed in 1944 and was originally and was originally zoned under the 1938 zoning classification. In a 1977 large area rezoning case, the property was rezoned to "R-1" Single-Family Residence District. In a 1986 rezoning case, the property was rezoned from "R-1" Single-Family Residence District to "O-1" Office District with a Special Use Permit for an Automobile Sales Lot. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to "O-2 CD" High Rise Office District with a Conditional Use for an Automobile Sales Lot. In a 2009 large area rezoning case, the property was rezoned to the current "NC" Neighborhood Commercial District.

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

Adjacent Zoning and Land Uses

Direction: North and West

Current Base Zoning: "R-6"

Current Land Uses: Single-Family Residences

Direction: South

Current Base Zoning: "R-6" and "C-1"

Current Land Uses: Single-Family Residence and a Tire Shop

Direction: East

Current Base Zoning: "NC" and "C-1"

Current Land Uses: Vacant Land, Laundromat and a Pet Salon

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: South Zarzamora

Existing Character: Primary Arterial Type A Street; 3 lanes in each direction

Proposed Changes: None known

Thoroughfare: Berlin Avenue

Existing Character: Local Street; 1 lane in each direction

Proposed Changes: None known

Public Transit: The nearest VIA bus line is the number 515 line and 520 line which operate along South Zarzamora and West Southcross Boulevard.

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

Parking Information: Auto and Vehicle Sales - new and used - Minimum Parking Requirement: 1 space per 500 square feet of Gross Floor Area (GFA) of sales and service building. Maximum Parking Requirement: 1 space per 375 square feet GFA of sales and service building.

The Conditional Use site plan shows a total of 2 parking spaces, one of which is an ADA space, in addition to the vehicle display area.

ISSUE:

None

ALTERNATIVES:

A denial of the request will result in the subject property retaining the current commercial zoning; restricting future land uses to those permissible in a NC zoning district.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff and Zoning Commission (6-4) recommend denial

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 Kelly/South San PUEBLO Community Plan area, and is identified as Mixed Use in the Future Land Use component of the Plan. The "C-1" base zoning district is consistent with the adopted land use designation.

2. Adverse Impacts on Neighboring Lands:

The subject property directly abuts a residential use. In order to provide sustainable development, land uses should transition from more intense uses to less intense uses. The proposed motor vehicle sales will have an adverse impact on the adjacent properties due to its incompatibility with the less intense residential uses. Motor vehicle sales is a use that is permitted by-right in the "C-3" zoning district. This request would allow an intense commercial use with direct access to the local street, which staff believes would be incompatible with the residential neighborhood.

3. Suitability as Presently Zoned:

The existing "NC zoning is suitable for the subject property as well as the surrounding neighborhood. Small neighborhood oriented office or service uses are more appropriate at this location as this type of use is designed to serve a smaller customer base. Building size limitations would restrict the intensity in both customer and

traffic volume, making any future commercial use more compatible with the residential character of the existing neighborhood.

4. Health, Safety and Welfare:

Staff has concerns over potential adverse effects of the motor vehicle sales use on the existing residential neighborhood. The requested rezoning, if approved, will allow the proposed intense commercial use on the subject property increasing traffic and noise in the area.

5. Public Policy:

The request does not appear to conflict with any public policy objective.

6. Size of Tract:

The subject property measures 0.1435 acres and is of sufficient size to accommodate small, neighborhood commercial uses.

7. Other Factors:

The applicant requests a 6-foot fence along the front property line, as shown on the requisite site plan. According to Section 35-514 (d)(2)(D) “additional fence height is permitted by the City Council pursuant to a rezoning or Specific Use Authorization.”

Should the requested zoning be approved, staff recommends the following conditions:

1. All on-site lighting shall be directed onto the site and point away from any adjacent residential zoning or uses; and
2. Outdoor speaker and paging systems shall be prohibited.