



City of San Antonio

Agenda Memorandum

File Number: 14-1929

Agenda Item Number: Z-7.

Agenda Date: 9/18/2014

In Control: City Council A Session

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICTS IMPACTED: Council District 7

SUBJECT:

Zoning Case Z2014088 CD

SUMMARY:

Current Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District

Requested Zoning: "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Auto Paint And Body - Repair With Outside Storage Of Vehicles And Parts Permitted But Totally Screened From View Of Adjacent Property Owners And Public Roadways

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: August 19, 2014

Case Manager: Pedro Vega, Planner

Property Owner: Armstrong US Investments, Inc. (by Humberto Reyes Aubert, President)

Applicant: Humberto Reyes Lopez

Representative: Humberto Reyes Lopez

Location: A portion of 4623 Fredericksburg Road

Legal Description: 0.165 of an acre out of Lot 1, NCB 13856

Total Acreage: 0.165

Notices Mailed

Owners of Property within 200 feet: 8

Registered Neighborhood Associations: None

Planning Team Members: Near Northwest Community Plan - 17

Applicable Agencies: None

Property Details

Property History: The subject property was annexed in 1952 (Ordinance 18115) and was originally zoned “A” Single-Family Residence District. In a 1965 case, the subject property and its larger parent-tract were rezoned to “B-3” Business District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current “C-3” General Commercial District . The 0.165-acre site is a portion of a lot that was platted into its current configuration in 1965 (Volume 5502, page 4 of the Deed and Plat Records of Bexar County, Texas).

The subject property consists of a vacant commercial building measuring approximately 7,186.06 square feet that was constructed in the 1970’s.

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: Northwest

Current Base Zoning: “C-3”

Current Land Uses: Retail Center

Direction: Southwest

Current Base Zoning: “MF-33”

Current Land Uses: Multi-Family Dwellings

Direction: Northeast

Current Base Zoning: “C-3”

Current Land Uses: Motor Vehicle Sales and Office

Direction: Southeast

Current Base Zoning: “C-3” and “OCL”

Current Land Uses: Parking and small Retail Center (Balcones Heights City Limits)

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: Fredericksburg Road

Existing Character: Secondary Arterial Type A; three lanes in each direction with left and right turn lanes and sidewalks

Proposed Changes: None known

Thoroughfare: Hillcrest Drive

Existing Character: Secondary Arterial Type B; two lanes in each direction with sidewalks

Proposed Changes: None known

Public Transit: The nearest VIA bus lines are the 520 and 100 (Primo), which operate along Fredericksburg

Road and 524 which operates along Hillcrest Drive.

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.

Auto Paint And Body - Minimum Requirement: 1space per 500 square feet of Gross Floor Area (GFA) including service bays, wash tunnels and retail areas. Maximum Allowance: 1 space per 375 square feet of Gross Floor Area (GFA) including service bays, wash tunnels and retail areas.

The rezoning request applies only to the existing structure; however, sufficient parking is available on the larger parent tract.

ISSUE:

None.

ALTERNATIVES:

A denial of the request will result in the subject property retaining the current general commercial zoning, restricting future land uses to those permissible in the "C-3" zoning district.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff and Zoning Commission (10-0) recommend approval with the following condition:

Hours of operations shall not be permitted before 9:00 a.m. or after 6:00 p.m. Monday thru Friday

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 identified as Community Commercial in the future land use component of the plan. The requested "C-2" base zoning district is consistent with the adopted land use designation.

Community Commercial provides for medium intensity commercial uses that serve a market on the scale of a community comprised of two or more medium sized neighborhoods. Community commercial uses should be located in a nodal fashion, near the intersection of collectors and arterials, or the intersection of two arterials, or along arterials or higher order streets where already established.

2. Adverse Impacts on Neighboring Lands:

Staff finds no evidence of adverse impacts on neighboring lands in relation to the zoning change request. The surrounding properties all carry commercial zoning; and the proposed use is consistent with the surrounding pattern of development.

3. Suitability as Presently Zoned:

The existing "C-3" General Commercial District is not consistent with the adopted land use plan; however, it is

consistent with the other zoning in the area. The Near Northwest Community Plan encourages redevelopment of this area, transitioning from general commercial to retail and service uses. The site has access from Fredericksburg Road and Hillcrest Drive.

4. Health, Safety and Welfare:

Staff has found no indication of likely adverse effects on the public health, safety, or welfare due to this request. The building has been vacant for a number of years. Recently, significant improvements have been made to the subject site. Approval of the rezoning request will allow viable use of the long-vacant building.

5. Public Policy:

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

6. Size of Tract:

The subject site is 0.165 acres in size, which includes only the existing structure. The non-subject portion of the parent tract will remain zoned "C-3". A zoning change request for a Conditional Use requires the applicant to submit a site plan of the subject property that includes all existing and proposed development.

7. Other Factors:

The conditional zoning procedure is designed to provide for a land use within an area 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 granting of conditional zoning shall only be for the conditional use named in the ordinance (Auto Paint And Body - Repair With Outside Storage Of Vehicles And Parts Permitted But Totally Screened From View Of Adjacent Property Owners And Public Roadways) approving the conditional zoning district.

The 0.165-acre site consists of a vacant one story 7,186.06 square foot building that was previously used as an Auto Paint And Body - Repair Shop for many years. The proposed zoning request would be appropriate at this location and a beneficial reuse of the existing vacant building. The zoning request would also help in preserving and enhancing the property. The owner attempted to obtain a certificate of occupancy and was informed that they did not have the appropriate zoning for that use.