



# City of San Antonio

## Legislation Details (With Text)

**File #:** 14-854

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 5/1/2014

**Title:** ZONING CASE # Z2014052 CD (District 5): An Ordinance amending the Zoning District Boundary from "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for Auto Parking and/or Storage-Short Term related to Auto and Light Truck Repair to "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for Auto and Light Truck Repair on Lots 11, 12 and 13, Block 21, NCB 2630 located at 920 Big Foot. Staff recommends denial. Zoning Commission recommends approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2014-052, 2. Z2014052 CD\_SP, 3. Z2014052 CD, 4. Draft Ordinance, 5. Ordinance 2014-05-01-0302

| Date     | Ver. | Action By              | Action            | Result |
|----------|------|------------------------|-------------------|--------|
| 5/1/2014 | 1    | City Council A Session | Motion to Approve | Pass   |

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 5

**SUBJECT:**

Zoning Case Z2014052 CD

**SUMMARY:**

**Current Zoning:** "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for Auto Parking and/or Storage-Short Term related to Auto and Light Truck Repair

**Requested Zoning:** "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with a Conditional Use for Auto and Light Truck Repair

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** April 1, 2014

**Case Manager:** Ernest Brown, Planner

**Property Owner:** Juan Gabriel Aragon

**Applicant:** Juan Gabriel Aragon

**Representative:** Joanne V. Kelly

**Location:** 920 Big Foot

**Legal Description:** Lots 11, 12 and 13, Block 21, NCB 2630

**Total Acreage:** 0.2486

**Notices Mailed**

**Owners of Property within 200 feet:** 40

**Registered Neighborhood Associations within 200 feet:** Palm Heights Neighborhood Association

**Planning Team:** 26 - Nogalitos/South Zarzamora Community Plan

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property is located within the city limits as recognized in 1938 and was originally zoned "B" Residence District. In a 1992 City-initiated large-area case, the property was rezoned to "R-7" Small Lot Residence District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to "R-4" Residential Single-Family District. In 2005, the property was rezoned to the current "C-1 CD" Light Commercial District with Conditional Use for Auto Parking and/or Storage-Short Term related to Auto and Light Truck Repair. The subject property consists of three platted lots (Volume 368, Page 186). The subject property includes two structures that are under construction; however, a stop work order has been issued because no building permits were obtained.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North, West and Southwest

**Current Base Zoning:** "C-3R"

**Current Land Uses:** Barber Shop, Salon, Feed Store, Carwash, Auto Sales, Auto Repair, Print Shop and Restaurant

**Direction:** South, East and Northeast

**Current Base Zoning:** "R-4"

**Current Land Uses:** Single-Family Residences, Vacant Lot and a Duplex

**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:** Big Foot and Green Street

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

**Proposed Changes:** None Known

**Thoroughfare:** Nogalitos Street

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

**Proposed Changes:** None Known

**Public Transit:** The nearest VIA bus lines are the 51, 54, and 251, which operate along Nogalitos Street with stops near the subject property.

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

**Parking Information:** Off-street vehicle parking requirements typically are determined by the type of use and building size. The rezoning application refers to a proposed auto and light truck repair facility.

Minimum Requirement: 1 space 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

No parking is shown on the Conditional Use site plan; however, it does include a note indicating that a cooperative parking agreement will be sought with a neighboring property. Cooperative parking agreements are reviewed when a Certificate of Occupancy is applied for. Should the zoning change request be approved, but a parking agreement or variance not be obtained, the proposed auto repair use will not be permitted on the subject property.

**ISSUE:**

None

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the current zoning designation.

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**RECOMMENDATION:**

Staff recommends denial. Zoning Commission (8-0) recommends approval

**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 Nogalitos/South Zarzamora Community Plan and is currently designated as Neighborhood Commercial in the future land use component of the plan. The requested "C-1" base zoning district is consistent with the adopted future land use designation. However, the plan specifically discourages the establishment of additional auto-related uses (Action Step 3.1.4, page 30).

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

Staff has found the requested Conditional Use for Auto and Light Truck Repair will likely have an adverse impact on the established abutting residential single family neighborhood.

Conditional zoning is designed to provide for a land use that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements, would be compatible with the

adjacent uses under given conditions. Auto and Light Truck Repair is an intense commercial land use, permitted by-right in the “C-3” and “L” zoning districts. The use often can be accommodated in lower commercial zoning districts where mitigating efforts are taken to protect surrounding uses.

The “C-1” district requires a minimum 10-foot side and 30-foot rear setback where abutting residential zoning or uses. Similarly, a 15-foot Type B landscape buffer is required where abutting single-family residential zoning. The district also carries a 20-foot maximum front setback so buildings are located to the front the property, and requires parking be located behind the primary structure. The proposed site configuration and existing structures can not comply with the basic building setback, landscape buffer, or parking location requirements of the “C-1” base zoning district. Should the requested Conditional Use be approved by the City Council, multiple Board of Adjustment variances would be needed to allow the proposed use and existing structures on the subject property.

The intense proposed land use, in addition to the size and scale of the existing structures to be used would not protect, preserve or enhance the character of the abutting residential community.

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

The existing zoning and conditional use were approved in 2005 (Ordinance 100862) with conditions requiring a Type C (15-foot) landscape buffer and a solid screen fence along the south and east property lines, and requiring all lighting be directed onto the site in a way that does not illuminate neighboring residences. These conditions were not met. Additionally, recent construction activities have placed large structures within the required building setback and landscape buffer area. The work was started without obtaining proper plan review or building permits. The existing zoning may be appropriate for the subject property, but only through compliance with the development standards of the “C-1” district and adherence to the approved conditions relating to the current Conditional Use.

The property was never brought into compliance with the current zoning ordinance. If the existing conditional use for the Auto Parking and/or Storage-Short Term related to Auto and Light Truck Repair was in compliance with its conditional requirements, it would be suitable.

The Neighborhood Commercial land use designation encourages small-scale retail and service uses that serve the immediate neighborhood without encroaching on surrounding residential uses.

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

Staff has concerns that the change in zoning request could have a negative impact on public health, safety and welfare. The community plan promotes pedestrian walkable access to small commercial areas. However, the current lot configuration does not incorporate the design and development standards that ensure appropriate scale or protections for the surrounding neighborhood.

### **5. Public Policy:**

The “C-1” Light Commercial District is meant to serve the immediate neighborhood and to provide an appropriate transition between residential uses and intense commercial uses or major thoroughfares. The proposed Conditional Use and site plan do not meet the requirements or intent of the “C-1” district.

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

The subject property measures 0.2486 of an acre in size. Although the subject property could reasonably accommodate the uses and development standards of the “C-1” district, the proposed site configuration is not sufficient to protect neighboring residences.

**7. Other Factors:**

The requisite Conditional Use site plan shows no parking on the subject property, and includes a note indicating a shared parking agreement with the property at 1904 Nogalitos Street.

The proposed rezoning will not bring the construction into compliance unless variances are granted by the Board of Adjustment. If the current zoning request is approved, and the needed variances are not, the proposed auto and light truck repair use will not be permitted on the property.