



City of San Antonio

Legislation Details (With Text)

File #: 15-3202
Type: Zoning Case
In control: Zoning Commission
On agenda: 6/2/2015
Title: ZONING CASE # Z2015191 CD (Council District 2): A request for a change in zoning from "C-3NA AHOD" General Commercial Non-Alcoholic Sales Airport Hazard Overlay District to "C-2NA CD AHOD" Commercial Non-Alcoholic Sales Airport Hazard Overlay District with Conditional Use for Oversize Vehicle Storage on Lots 1, 2, & 3, Block 5, NCB 12875, located at 9310 NE Loop 410. Staff recommends Denial.
Sponsors:
Indexes:
Code sections:
Attachments: 1. Location Map, 2. Site Plan

Date	Ver.	Action By	Action	Result
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DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICTS IMPACTED: 2

SUBJECT:
Zoning Case Z2015191 CD

SUMMARY:
Current Zoning: "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District

Requested Zoning: "C-2NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Conditional Use for Oversize Vehicle Storage

BACKGROUND INFORMATION:
Zoning Commission Hearing Date: June 2, 2015

Case Manager: Logan Sparrow, Senior Planner

Property Owner: Ruben T Martinez

Applicant: Ruben T Martinez

Representative: Ruben T Martinez

Location: 9310 Northeast Loop 410

Legal Description: Lot 1, 2, and 3, Block 5, NCB 12875

Total Acreage: 0.8522

Notices Mailed

Owners of Property within 200 feet: 15

Registered Neighborhood Associations within 200 feet: Eastgate Neighborhood Association

Planning Team: I-10 East Corridor Planning Team-29

Applicable Agencies: San Antonio Independent School District

Property Details

Property History: The subject property is currently zoned “C-3 NA” General Commercial Nonalcoholic Sales District. The property was rezoned to “B-3 NA” Business Nonalcoholic Sales District, which was established by Ordinance 70527, dated November 2, 1989. Per the adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001) the subject property converted to the current “C-3 NA” General Commercial Nonalcoholic Sales District.

Topography: None.

Adjacent Base Zoning and Land Uses

Direction: North

Current Base Zoning: “C-3NA”

Current Land Uses: Construction Equipment Yard

Direction: East

Current Base Zoning: “R-6 AHOD”

Current Land Uses: Single-Family Dwelling

Direction: South

Current Base Zoning: “C-3NA”

Current Land Uses: Single-Family Dwelling

Direction: West

Current Base Zoning: UZROW

Current Land Uses: NE Loop 410

Overlay and Special District Information: The subject property and all surrounding properties are located in the “AHOD” Airport Hazard Overlay District. The “AHOD” does not restrict permitted uses, but may require additional review from both the Development Services Department, as well as the Federal Aviation Administration.

Transportation

Thoroughfare: NE Loop 410

Existing Character: Highway, two lanes in each direction

Proposed Changes: None known.

Thoroughfare: Eastgate Street

Existing Character: Local Street, one lane in each direction without sidewalks

Proposed Changes: None known.

Public Transit: None.

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

Parking Information: There are no parking requirements for Oversized Vehicle Storage.

ISSUE:

None.

ALTERNATIVES:

Denial of the zone change request will result in the subject property retaining its current “C-3 NA” General Commercial Nonalcoholic Sales base zoning district.

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends 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 in the Interstate-10 East Corridor Perimeter Plan and is currently designated as Community Commercial in the land use component of the plan. The requested “C-2” base zoning district is consistent with the future land use plan, though the request seeks to condition an industrial use into the “C-2” Commercial base zoning district. As such, staff finds that the request lacks consistency with the intent of the future land use plan.

2. Adverse Impacts on Neighboring Lands:

Staff has found evidence of likely adverse impacts on neighboring lands in relation to this zone change request. To the immediate east and south of the subject property are single-family homes. Conditioning an industrial use on the subject property in such close proximity to these single-family homes invites several adverse impacts including increased noise and air quality concerns.

3. Suitability as Presently Zoned:

The existing “C-3NA” General Commercial Nonalcoholic Sales District is not appropriate for the surrounding area as the zone is not consistent with the I-10 East Corridor Perimeter Plan.

4. Health, Safety and Welfare:

Staff has found indication of likely adverse effects on the public health, safety, and welfare in that the request seeks to condition an industrial use adjacent to residential-single family dwellings. Adjacent properties may experience increased noise levels as well as air quality concerns as a result of oversized vehicles being parked immediately next door.

5. Public Policy:

As the request seeks to condition an industrial use down to a “C-2” Commercial base zoning district, staff finds that the request does conflict with the I-10 East Corridor Perimeter Plan, and consequently, conflicts with a stated public policy objective.

6. Size of Tract:

The 0.8522 acre parcel of land may not be large enough for the proposed use.

7. Other Factors:

The Conditional Use zoning procedure is designed to provide 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 approving the Conditional Use zoning district provisions.

Conditional Use Zoning must comply with the following:

- A. The conditional use will not be contrary to the public interest.
- B. The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The conditional use will be in harmony with the spirit and purpose for conditional uses as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- D. The conditional use will not substantially weaken the general purposes of the regulations as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- E. The conditional use will not affect adversely the public health, safety and welfare.