



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-2882

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 5/17/2018

**Title:** ZONING CASE # Z2017066 CD (Council District 2): Ordinance amending the Zoning District Boundary from "R-4" Residential Single-Family District to "C-2 CD" Commercial District with a Conditional Use for Motor Vehicle Sales on the South 112.5 feet of Lots 14 and 15, Block 15, NCB 10333, located at 3302 Martin Luther King Drive. Staff and Zoning Commission recommend Denial. (Continued from April 5, 2018)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance

Date	Ver.	Action By	Action	Result
5/17/2018	1	City Council A Session	Motion to Deny	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2017066

**SUMMARY:**

**Current Zoning:** "R-4" Residential Single-Family District

**Requested Zoning:** "C-2 CD" Commercial District with Conditional Use for Motor Vehicle Sales

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 3, 2017. This case was continued from the June 20, 2017, July 18, 2017, and September 5, 2017 Zoning hearings.

**Case Manager:** Daniel Hazlett, Planner

**Property Owner:** Juan Carlos Barrios

**Applicant:** Juan Carlos Barrios

**Representative:** Juan Carlos Barrios

**Location:** 3302 Martin Luther King Drive

**Legal Description:** The South 112.5 feet of Lots 14 and 15, Block 15, NCB 10333

**Total Acreage:** 0.2388

**Notices Mailed**

**Owners of Property within 200 feet:** 42

**Registered Neighborhood Associations within 200 feet:** Wheatley Heights Action Group Neighborhood Association

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property was annexed August 16, 1951 and was originally zoned “B” Single Family Residence District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to “R-4” Residential Single-Family District.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** R-4

**Current Land Uses:** Vacant Lots, Single-Family Residential

**Direction:** East

**Current Base Zoning:** R-4

**Current Land Uses:** Vacant Lots, Vacant House, Single-Family Home

**Direction:** South

**Current Base Zoning:** R-4

**Current Land Uses:** Vacant Lots, Single-Family Residential

**Direction:** West

**Current Base Zoning:** R-4

**Current Land Uses:** Single-Family Residences, Vacant Lots

**Overlay and Special District Information:**

None.

**Transportation**

**Thoroughfare:** Martin Luther King Drive

**Existing Character:** Secondary Arterial

**Proposed Changes:** None known

**Thoroughfare:** Badger Street

**Existing Character:** Local

**Proposed Changes:** None known

**Public Transit:** VIA bus route 26 stop at Martin Luther King and Badger Street.

**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:**

The minimum requirement is 1 parking space per 500 sf GFA of sales and service building.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the proposed zoning will result in the subject property retaining the current zoning district of “R-4”, which permits single-family dwellings (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools. The “B” to “R-4” conversion also permits a duplex by right.

**FISCAL IMPACT:**

None.

**PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

The subject property is not within a Regional Center or within a ½ of a mile of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (9-1) 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 Eastern Triangle Neighborhood Plan and is designated as High Density Mixed Use. The requested “C-2 CD” base zoning district is consistent with the future land use designation. However, staff is unable to establish any factor that demonstrates that Motor Vehicle Sales, a use permitted in “C-3”, belongs within this section of Martin Luther King Drive.

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

The introduction of an intense commercial use in the middle of a single-family community runs contrary to the established planning principal that stresses the separation of incompatible uses.

**3. Suitability as Presently Zoned:**

The existing “R-4” base zoning district is consistent with the future land use plan as well as the development pattern. The “C-2 CD” is not appropriate for the property due to the subject property being within a residential neighborhood.

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

The introduction of commercial and motor vehicle sales uses would establish too intense of a use in close proximity to single-family homes.

**5. Public Policy:**

Motor Vehicle Sales is a use permitted in “C-3”. The High Density Mixed Use future land use category

supports zoning as intense as “C-2”. The requested use is too intense for the property. The proposed rezoning is not in agreement with the Easter Triangle Neighborhood Plan.

**6. Size of Tract:**

The subject property measures 0.2388 acres which accommodates the existing development, but is small for a motor vehicle sales lot.

**7. Other Factors:**

The purpose of the Conditional Use is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may under the right set of circumstances and conditions be acceptable in certain specific locations.

Should City Council approve the rezoning, staff recommends the following conditions:

1. At least a 6 foot privacy fence along property lines abutting Single-Family zoning and/or uses
2. No outdoor amplification speakers
3. Lighting shall be directed away from adjacent residential properties
4. Type “B” 15’ landscape buffer along shared property lines abutting Single-Family zoning/uses