



City of San Antonio

Legislation Details (With Text)

File #: 18-4158

Type: Zoning Case

In control: Zoning Commission

On agenda: 7/3/2018

Title: (Continued from 06/05/18) ZONING CASE # Z2018192 (Council District 5): A request for a change in zoning from "C-2 CD NA AHOD" Commercial Non-Alcoholic Sales Airport Hazard Overlay District with Conditional Use for Motor Vehicle Sales to "C-3 AHOD" General Commercial Airport Hazard Overlay District on Lot 108, NCB 7895, located at 5407 Interstate Highway 35 South. Staff recommends Denial, with Alternate Recommendation.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Location Map

Date	Ver.	Action By	Action	Result
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DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: 5

SUBJECT:

Zoning Case Z2018192

SUMMARY:

Current Zoning: "C-2 NA CD AHOD" Commercial Non-Alcoholic Sales Airport Hazard Overlay District with Conditional Use for Motor Vehicle Sales

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

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: July 3, 2018. This case is continued from the June 5, 2018 Zoning hearing.

Case Manager: Angela Cardona, Planner

Property Owner: Mosquit Holdings LLC

Applicant: Robert Raney

Representative: Robert Raney

Location: 5407 Interstate Highway 35 South

Legal Description: Lot 108, NCB 7895

Total Acreage: 1.46

Notices Mailed

Owners of Property within 200 feet: 19

Registered Neighborhood Associations within 200 feet: Tierra Linda Neighborhood Association

Applicable Agencies: Texas Department of Transportation

Property Details

Property History: The subject property was annexed in September, 1944 (Ordinance 1391) and was zoned “B” Residence District. The property was then converted to “R-4” Residential Single Family District upon adoption of the Unified Development Code in May, 2001 (Ordinance 93881). A portion of the property was rezoned in August, 2007 to “C-1” Light Commercial (Ordinance 2007-08-16-0885). The entire property was then rezoned to the current “C-2 NA CD” Commercial Non-Alcoholic Sales with a Conditional Use for Motor Vehicle Sales in June, 2012 (Ordinance 2012-06-21-0532).

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

Adjacent Base Zoning and Land Uses

Direction: North

Current Base Zoning: “R-4”

Current Land Uses: Church

Direction: South

Current Base Zoning: “R-4”

Current Land Uses: Residential

Direction: East

Current Base Zoning: Interstate Highway,”C-2”

Current Land Uses: Interstate Highway, Car Lot

Direction: West

Current Base Zoning: “R-4”

Current Land Uses: Residential, Elementary School

Overlay and Special District Information: The subject property is located within the “AHOD” Airport Hazard Overlay District. The “AHOD” does not restrict permitted uses, but may require additional review by both the Federal Aviation Administration and Development Services Department.

Transportation

Thoroughfare: Commercial Avenue

Existing Character: Secondary Arterial B

Proposed Changes: None Known.

Thoroughfare: Stonewall Avenue

Existing Character: Local Street
Proposed Changes: None Known

Thoroughfare: Interstate Highway 35 South
Existing Character: Highway
Proposed Changes: None Known.

Public Transit: The nearest VIA bus route is the #10 and it is within walking distance of the subject property.

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: Parking requirements are determined by use. Commercial uses require a minimum vehicle space of 1.5 per 300 GFA and a maximum of 1 per 200 GFA

ISSUE:

The subject property currently has a Conditional Use for Motor Vehicle Sales, the applicant is seeking “C-3” General Commercial District for future business options including the expansion of services to the existing Auto Sales business.

ALTERNATIVES:

A denial of the request will result in the subject property retaining the current base zoning district. The current “C-2” district accommodates community commercial uses, with unlimited building size, and building height limitation of 25 feet. Examples of permitted uses: liquor store, miniature golf and other indoor gaming facilities, small indoor movie theater, pet cemetery, auto & light truck oil, lube & tune-up, auto glass tinting, tire repair (sale and installation only), gas station, appliance sales & repair, charitable food and clothing banks, and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property does not fall within Regional Center and is not within proximity to a Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Denial, with an Alternate Recommendation for "C-2 NA CD AHOD" Commercial Non-Alcoholic Sales Airport Hazard Overlay District with Conditional Use for Motor Vehicle Sales (Full Service).

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The property is located within the Nogalitos/ South Zarzamora Plan and is currently designated as “Regional Commercial”. The requested “C-3” base zoning district is consistent with the adopted future land use plan but inconsistent with the area and the existing, surrounding residential base zoning districts and uses.

2. Adverse Impacts on Neighboring Lands:

Staff finds evidence of likely adverse impacts on the neighboring land in relation to the zoning change request as the zoning request would allow for more intense commercial uses that less favorable for the abutting residential uses. As a basic planning principle “C-2” uses are intended to abut residential areas to provide goods and services to residents living in the vicinity. Conversely, “C-3” uses are too intense and not intended to abut residential areas because they often bring more noise, heavy equipment, outside storage and other similar intense activities.

3. Suitability as Presently Zoned:

The current “C-2” base zoning district is appropriate for the subject property’s location as it is currently surrounded by single-family residential development and allows for less intense uses that are a more appropriate transition to the surrounding residential community. There are also additional safeguards through the current Conditional Use and the Nonalcoholic Sales designations.

4. Health, Safety and Welfare:

Staff has found no indication of likely adverse effects on the public health, safety or welfare.

5. Public Policy:

The rezoning request appears to conflict with land use goals and strategies of the Nogalitos/ North Zarzamora Plan to protect and preserve the character of the neighborhoods and commercial corridors, to preserve the small town feeling of the neighborhood areas by encouraging neighborhood-friendly commercial businesses within walking distance of residences and to support economic development by attracting diverse business.

6. Size of Tract:

The subject property totals 1.1460 acres in size, which should reasonably accommodate the “C-2” base zoning district.

7. Other Factors:

The current Conditional Use on the subject property allows for Auto Sales. Staff’s Alternate Recommendation for a Conditional Use will add the Motor Vehicle Sales with “Full Service” function to the existing base zoning district of “C-2”.

The Conditional Use zoning procedure 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 adjacent land uses under given conditions.