City of San Antonio

Legislation Details (With Text)

File #:	19-1337
Type:	Zoning Case
In control:	Zoning Commission
On agenda:	1/15/2019
Title:	(Continued from 12/18/18) ZONING CASE # Z-2018-900045 CD (Council District 5): A request for a change in zoning from “R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District, “O-2 MLOD-2 MLR-2 AHOD” High-Rise Office Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard overlay District and "C-2 NA MLOD-2 MLR-2 AHOD” Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "R-4 CD MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Conditional Use for a Noncommercial Parking Lot, and “C-1 MLOD-2 MLR-2 AHOD” Light Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District on Lot 15-16, Block 18, NCB 7881 and Lot 20, Block 3, NCB 8951, located at 930 Fitch Street. Staff recommends Approval.
Sponsors:	
Indexes:	
Code sections:	
Attachments:	1. Location Map, 2. Site Plan

Date	Ver.	Action By	Action	Result

DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: 5

SUBJECT:
Zoning Case Z-2018-900045 CD
(Associated Plan Amendment PA-2018-900014)

SUMMARY:
Current Zoning: “R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District, “O-2 MLOD-2 MLR-2 AHOD” High-Rise Office Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard overlay District and "C-2 NA MLOD-2 MLR-2 AHOD” Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Requested Zoning: "R-4 CD MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Conditional Use for a Noncommercial Parking Lot, and “C-1 MLOD-2 MLR-2 AHOD” Light Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

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BACKGROUND INFORMATION:
Zoning Commission Hearing Date: January 15, 2019. This case is continued from the December 18, 2018 hearing.

Case Manager: Marco Hinojosa, Planner

Property Owner: Salehi Family LTD

Applicant: Jafar Salehi

Representative: Marek Sieezynski

Location: 930 Fitch Street

Legal Description: Lot 15-16, Block 18, NCB 7881 and Lot 20, Block 3, NCB 8951

Total Acreage: 0.5587

Notices Mailed
Owners of Property within 200 feet: 39
Registered Neighborhood Associations within 200 feet: Tierra Linda Neighborhood Association
Applicable Agencies: Texas Department of Transportation

Property Details
Property History: The subject property was zoned "B" Residence District by Ordinance OI-191, dated November 9, 1938. The property was rezoned from "B" Residence District to "B-2NA" Non-alcoholic Sales Business District and "O-1" Office District by Ordinance 86316, dated July 24, 1997. The property converted from "B" Residence District, "B-2NA" Non-alcoholic Sales Business District, and "O-1" Office District to the current "R-4" Residential Single-Family District, "C-2NA" Commercial Nonalcoholic Sales District, and "O-2" High-Rise Office District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

Topography: The subject property is not located within the 100-year flood plain.

Adjacent Base Zoning and Land Uses
Direction: North
Current Base Zoning: "R-4"
Current Land Uses: Single-Family Residences

Direction: East
Current Base Zoning: "R-4" and "C-2"
Current Land Uses: Single-Family Residence and Vacant Lot

Direction: South
Current Base Zoning: "R-4"
Current Land Uses: Single-Family Residences

Direction: West
Current Base Zoning: "R-4"

Current Land Uses: Single-Family Residences

Overlay and Special District Information:
"AHOD"
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.

"MLOD-2"
All surrounding properties carry the "MLOD-2" Military Lighting Overlay District, due to their proximity to Lackland. The "MLOD-2" does not restrict permitted uses, but does regulate outdoor lighting in an effort to minimize night-time light pollution and its effects on operations at the military installation.

Transportation
Thoroughfare: Fitch Street
Existing Character: Local
Proposed Changes: None Known
Public Transit: VIA bus routes are not within walking distance of the subject property.
Routes Served: 46, 515

Thoroughfare: IH-35
Existing Character: Freeway
Proposed Changes: None Known
Public Transit: VIA bus routes are not within walking distance of the subject property.
Routes Served: 46, 515

Traffic Impact: A Traffic Impact Analysis (TIA) may be required.

Parking Information:
The minimum parking requirements for retail uses is 1 space per 300 sf GFA.

ISSUE:
None.

ALTERNATIVES:
Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of "R-4", "C-2NA" and "O-2". "R-4" districts provide areas for medium- to high-density, single-family residential uses where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing single-family dwellings and open area where similar residential development seems likely to occur. Residential single-family provides minimum lot size and density requirements in order to preserve neighborhood character. "C-2" districts accommodate commercial and retail uses that are more intensive in character than "NC" and "C-1" uses, and which generate a greater volume of vehicular traffic and/or truck traffic. The "O-2" district provides a wider variety of office and accessory retail uses that are primarily designed to serve on-site tenants but may provide services or products to the general public as a secondary market in support of the building's primary office tenants in order to promote mixed uses and the internal capture of vehicular trips, while facilitating economic development. "O-2" districts provide for the establishment of low to high-rise office buildings. Uses within an "O-2" district may serve a regional market area.

FISCAL IMPACT:
None.

Proximity to Regional Center/Premium Transit Corridor
The property is not located within a Regional Center or a Premium Transit Corridor

RECOMMENDATION:
Staff Analysis and Recommendation: Staff recommends Approval.

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 Community Plan, and is currently designated as "High Density Residential" in the future land use component of the plan. The requested "C-1" base zoning is not compatible with the future land use designation. The applicant is requesting a Plan Amendment from "High Density Residential" to "Neighborhood Commercial" to accommodate the proposed rezoning. Staff recommends Approval of the Plan Amendment. The Planning Commission has recommended approval of the Plan Amendment on December 19, 2018.

2. Adverse Impacts on Neighboring Lands:
Staff has not found evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. "C-1" uses are compatible with the surrounding area and encourage a mixed use pattern in the area.

3. Suitability as Presently Zoned:
The current "O-2" High-Rise Office District is not an appropriate zoning for the property and surrounding area. The current "R-4" is an appropriate zoning district for the property and surrounding area, but the current "C-2NA" is not.

4. Health, Safety and Welfare:
Staff has not found indication of likely adverse effects on the public health, safety, or welfare.

5. Public Policy:
The proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the Nogalitos / South Zarzamora Community Plan

- Objective 3.1 Diverse Businesses Attract and support a variety of businesses in a walkable, mixed-use environment.
- Objective 4.1 Pedestrian Mobility Enhance the pedestrian environment to encourage residents to walk to commercial centers, schools, parks and all parts of the community.

6. Size of Tract:
The subject property is 0.5587 acres, which would adequately support commercial uses.

7. Other Factors:
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.

The following conditions shall apply to the operation of nonresidential conditional uses permitted within any

residential district, unless otherwise approved by the City Council:

A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
B. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
C. Business hours operation shall not be permitted before 7:00 a.m. or after 6:00 p.m.