City of San Antonio

Legislation Details (With Text)

File #: 20-1450

Type: Zoning Case

In control: City Council A Session

On agenda: 2/20/2020

Title: ZONING CASE Z-2019-10700208 (Council District 2): Ordinance amending the Zoning District Boundary from "R-6 MLOD-3 MLR-2" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District to "NC MLOD-3 MLR-2" Neighborhood Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District on the east 3.3 feet of the south 118 feet of Lot 11 and the south 118 feet of Lot 12, Block 6, NCB 1177, located at 2551 North Interstate Highway 35. Staff and Zoning Commission recommend Denial, with Alternate Recommendation. (Associated Plan Amendment PA-2019-11600080) (Continued from January 16, 2020)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Location map, 2. Zoning Minutes, 3. Draft Ordinance, 4. Ordinance 2020-02-20-0126

Date	Ver.	Action By	Action	Result
2/20/2020	1	City Council A Session	Motion to Appr w Cond	Pass

DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: 2

SUBJECT:
Zoning Case Z-2019-10700208
(Associated Plan Amendment PA-2019-11600080)

SUMMARY:
Current Zoning: "R-6 MLOD-3 MLR-2" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District

Requested Zoning: "NC MLOD-3 MLR-2" Neighborhood Commercial Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District

BACKGROUND INFORMATION:
Zoning Commission Hearing Date: November 5, 2019

Case Manager: Patricia Franco, Planner

Property Owner: Lozano Homes LLC

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Applicant: Drought, Drought & Bobbit LLP (Matthew Badders)

Representative: Drought, Drought & Bobbit LLP (Matthew Badders)

Location: 2551 North Interstate Highway 35

Legal Description: the east 3.3 feet of the south 118 feet of Lot 11 and the south 118 feet of Lot 12, Block 6, NCB 1177

Total Acreage: 0.154

Notices Mailed
Owners of Property within 200 feet: 22
Registered Neighborhood Associations within 200 feet: Government Hill Alliance Neighborhood Association
Applicable Agencies: Martindale and Fort Sam

Property Details
Property History: The subject property was part of the original 36 square miles of the City of San Antonio and was originally zoned as "C" Apartment District. The property was rezoned to "R-1" Single Family Residential District by Ordinance 51898, dated February 28, 1980. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned "R-1" converted to "R-6" Single-Family District. The MLOD-3 MLR-2 Overlays were established by Ordinance 2018-12-06-0978 on December 6, 2018.

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

Adjacent Base Zoning and Land Uses
Direction: North
Current Base Zoning: "R-6"
Current Land Uses: Single Family Dwelling

Direction: East
Current Base Zoning: "R-6 CD"
Current Land Uses: Single Family Dwelling

Direction: South
Current Base Zoning: None
Current Land Uses: Interstate Highway 35

Direction: West
Current Base Zoning: "R-6"
Current Land Uses: Single Family Dwelling

Overlay and Special District Information:
"MLOD-3"
All surrounding properties carry the "MLOD-3" Military Lighting Overlay District, due to their proximity to Martindale Army Airfield. The "MLOD-3" 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: 2551 North Interstate 35
Existing Character: Interstate Highway
Proposed Changes: None Known

Public Transit: VIA bus routes are within walking distance of the subject property. Routes served: 21

Traffic Impact: A Traffic Impact Analysis (TIA) cannot be determined at this time.

Parking Information: The parking requirement for a single family dwelling is 1 space per unit. The minimum parking requirements for an office is 1 parking space per 300 sf of gross floor area.

ISSUE:
The subject property is located in a predominately single family neighborhood. Introducing a commercial use is not suitable to the neighborhood's character.

ALTERNATIVES:
Current: The existing base zoning district of "R-6 Single-family dwelling (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools.

Proposed: The "NC" Neighborhood Commercial District provides small areas for offices, professional services, service and storefront retail uses; all designed in scale with surrounding residential development. Building size is limited to 3,000 square feet. Examples of permitted uses: animal and pet services, fitness/health club, antique store, apparel and accessory store, bookstore, bakery, florist, gift shop, professional offices, music store, convenience store, and restaurant.

FISCAL IMPACT:
None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:
The subject property is not located within a Regional Center or within a ½ a mile of a Premium Transit Corridor.

RECOMMENDATION:
Staff Analysis and Recommendation: Staff and Zoning Commission (9-1, 1 abstained) recommend Denial, with the alternate recommendation for "R-6 CD" Residential Single-Family with a Conditional Use for a Professional Office.

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 Government Hill Neighborhood Plan and is currently designated as "Low Density Residential" in the future land use component of the plan. The requested "NC" base zoning district is not consistent with the future land use designation. The applicant requested a Plan Amendment to "Neighborhood Commercial." Staff recommends Denial. Planning Commission recommendation is pending the November 13 public hearing.

2. Adverse Impacts on Neighboring Lands:
Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request.

3. Suitability as Presently Zoned:
The current "R-6" Single Family Residential is appropriate for the property. The proposed "NC" introduces commercial encroachment into a predominately single-family residential block. Staff's recommendation is that the applicant maintain the base "R-6" district, then the Office use can be conditioned down with a "CD" Conditional Use, rather than allowing more commercial uses found in "NC" such as gift shops, convenience stores, restaurants, bakeries and the like. The Conditional Use also provides for the standard conditions for nonresidential uses in residential districts.

The following conditions shall apply to the operation of nonresidential 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.

4. Health, Safety and Welfare:
Staff has found indication of likely adverse effects on the public health, safety, or welfare. The proposed "Neighborhood Commercial" is an encroachment of a commercial use into an established single family residential neighborhood. Thus, staff recommends "R-6 CD" with a Conditional Use for a Professional Office.

5. Public Policy:
The proposed rezoning appears to conflict with the following goals, principles, and objectives of the Government Hill Neighborhood Plan:

Plan Goals:
Goal: Conserve, rehabilitate and/or replace (if necessary) housing stock.
Objective: To develop a housing preservation strategy to stabilize and improve the real estate values.

6. Size of Tract:
The subject property is 0.154 acres, which could reasonably accommodate a professional office.

7. Other Factors:
The subject property is located within the Martindale Army Air Field and Fort Sam Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, Texas Army National Guard and JBSA were notified of the proposed request.

The applicant is seeking to rezone the subject property as a professional office. The applicant's client recently completed an extensive remodel of the home.