



City of San Antonio

Agenda Memorandum

File Number:18-2396

Agenda Item Number: Z-13.

Agenda Date: 4/5/2018

In Control: City Council A Session

DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: 2

SUBJECT:

Zoning Case Z2018100 CD

(Associated Plan Amendment 18027)

SUMMARY:

Current Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District

Requested Zoning: "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Food, Mobile Vending (Base Operations)

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: March 6, 2018

Case Manager: Daniel Hazlett, Planner

Property Owner: Angel Payran Tenorio

Applicant: Miguel Angel Payran Hernandez

Representative: Rosy Ariel Payran Hernandez

Location: 1430 South New Braunfels Avenue

Legal Description: the south 91.1 feet of Lot 27, Lot 28, Lot 29, Lot 30, Lot 31, and Lot 32, Block 21, NCB 1620

Total Acreage: 0.3137

Notices Mailed

Owners of Property within 200 feet: 32

Registered Neighborhood Associations within 200 feet: Denver Heights Neighborhood Association
Applicable Agencies: None.

Property Details

Property History: The property was a part of the original 36-square miles of the City of San Antonio and was zoned "F" Local Retail District. The property was rezoned from "F" to "G" Local Retail District by Ordinance 14992, dated May 24, 1951. The "G" converted to "B-3" Business District with the adoption of the 1965 Unified Development Code (UDC), established by Ordinance 33412, dated June 28, 1965. The property was a part of a large-area rezoning where the property was changed from "B-3" to "B-2" Business District by Ordinance 79329, dated December 16, 1993. The property converted from "B-3" to the current "C-2" Commercial District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

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: "C-2"

Current Land Uses: Commercial Building

Direction: East

Current Base Zoning: "RM-4"

Current Land Uses: Single-Family Residence

Direction: South

Current Base Zoning: "C-2", "RM-4"

Current Land Uses: Gas Station, Single-Family Residence

Direction: West

Current Base Zoning: "RM-4"

Current Land Uses: Single-Family Residence

Overlay and Special District Information:

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.

Transportation

Thoroughfare: South New Braunfels Avenue

Existing Character: Primary Arterial

Proposed Changes: None Known

Thoroughfare: Denver Boulevard

Existing Character: Local Street

Proposed Changes: None Known

Public Transit: VIA bus routes 20, 28, and 230 are within walking distance of the subject property.

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

Parking Information:

The minimum parking required is 1 parking space per 500 square feet of GFA including service bays, wash tunnels and retail areas, plus 2 additional spaces for each inside service bay.

ISSUE:

None.

ALTERNATIVES:

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of “C-2”, which permits 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 & 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 property is not within a Regional Center. The property is within a ½ of a mile of the New Braunfels Avenue Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission (10-0) recommend Approval, pending the Plan Amendment.

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 Arena District/Eastside Community Plan and is currently designated as “Medium Density Residential” in the future land use component of the plan. The requested “C-2” Commercial District is not consistent with the future land use designation. The applicant is requesting a land use amendment from “Medium Density Residential” to “General Commercial” to accommodate the proposed rezoning. Staff and Planning Commission recommend Approval of the amendment.

2. Adverse Impacts on Neighboring Lands:

Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed rezoning to “C-2 CD” Commercial District with a Conditional Use for Food, Mobile Vending (Base Operations) is requested in order to come into compliance with a code violation.

3. Suitability as Presently Zoned:

The current “C-2” base zoning is appropriate zoning for the property and surrounding area. The majority of the properties along South New Braunfels Avenue carry similar base zoning. The addition of the Conditional Use will allow for the base operation of food trucks.

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 proposed rezoning does appear to conflict with the goals, principles, and objectives of the Arena District/Eastside Community Plan. The plan emphasizes mixed uses along New Braunfels and an adaptive land use policy that is based on realistic market expectations. The proposed rezoning is requested in order to come into compliance with Code Enforcement. New Braunfels Avenue is a commercial corridor and the current use is in line with the development trend of the area.

Relevant Goals and Principles from the Arena District/Eastside Community Plan:

- Land Use Guiding Principles - 2.1 Establish a land use pattern that is responsive to the existing context and is founded upon realistic market expectations
- Land Use Goal - 4.4 - Develop mixed uses along New Braunfels to supplement existing commercial core at Commerce and New Braunfels
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6. Size of Tract:

The subject property is 0.3137 of an acre, which currently accommodates the proposed use.

7. Other Factors:

This rezoning case is a result of a code enforcement violation (Case 156969). The property owner is in violation due to the storage of food trucks, trailers, and vehicles which is not permitted under the “C-2” base zoning district.

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.