



City of San Antonio

Agenda Memorandum

File Number:19-3908

Agenda Item Number: Z-2.

Agenda Date: 5/16/2019

In Control: City Council A Session

DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: 1

SUBJECT:

Zoning Case Z-2019-10700065 CD

(Associated Plan Amendment PA-2019-11600026)

SUMMARY:

Current Zoning: "C-3 NA S AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Specific Use Authorization for a Veterinary Hospital - Small Animals

Requested Zoning: "RM-6 CD AHOD" Residential Mixed Airport Hazard Overlay District with a Conditional Use for a Professional Office

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: May 7, 2019

Case Manager: Sara Serra, Planner

Property Owner: Monda Enterprise LLC

Applicant: Melody Monda

Representative: Melody Monda

Location: 137 Earl Street

Legal Description: Lot 17, Lot 18 and Lot 19, Block 17, NCB 7326

Total Acreage: 0.221

Notices Mailed

Owners of Property within 200 feet: 17

Registered Neighborhood Associations within 200 feet: None.

Applicable Agencies: None.

Property Details

Property History: The property was originally annexed to the City in May 31, 1940 by city ordinance number 1941. In a 1975 rezoning case, the subject property was rezoned from multiple 1938 zoning districts to "R-5" Single-Family Residence District. In 1999, the property was again rezoned to "B-3NA SUP" Nonalcoholic Sales District with a Special Use Permit for Landscape Contractor with Outside Storage. Upon adoption of the 2001 Unified Development Code, the previous zoning converted to the current "C-3NA" General Commercial Nonalcoholic Sales District. In 2009, the property was rezoned to "C-3 NA S" General Commercial Nonalcoholic Sale District with a Specific Use Authorization for a Veterinary Hospital - Small Animals.

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

Adjacent Base Zoning and Land Uses

Direction: North

Current Base Zoning: "O-1"

Current Land Uses: Office Building

Direction: East

Current Base Zoning: "MF-33"

Current Land Uses: Multi Family Residential Complex

Direction: South

Current Base Zoning: "C-3"

Current Land Uses: Church

Direction: West

Current Base Zoning: "R-5"

Current Land Uses: Vacant Land

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.

Transportation

Thoroughfare: Earl Street

Existing Character: Local

Proposed Changes: None

Public Transit: VIA bus routes 5 (McCullough), and 204 (San Pedro Lineup).

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

Parking Information: The minimum parking requirement for a residential mixed use is 1 space per unit.

ISSUE:

None.

ALTERNATIVES:

A denial of the request will result in the subject property retaining the current base zoning district of “C-3 NA S”. The zoning provides for more intensive commercial uses than those located within the "NC", "C-1", "C-2" or "C-3" zoning districts. "C-3" uses are typically characterized as community and regional shopping centers, power centers and/or assembly of similar uses into a single complex under either single ownership or the structure of a property owners or condominium styled organization. "C-3" districts should incorporate shared internal circulation and limited curb cuts to arterial streets.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The property is located within half a mile of a Premium Transit Corridor (San Pedro Avenue).

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission (9-0) recommend Approval, pending 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 North Central Community Plan and is currently designated as “Low Density Residential” in the future land use component of the plan. The requested “RM-6” base zoning district is not consistent with the future land use designation. The applicant is seeking a Plan Amendment to “Medium Density Residential”. Staff recommends Approval. The Planning Commission recommendation is pending the May 8, 2019 hearing.

2. Adverse Impacts on Neighboring Lands:

Staff finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request.

3. Suitability as Presently Zoned:

The current “C-3 NA S” General Commercial Nonalcoholic Sales with a Specific Use Authorization for a Veterinary Hospital - Small Animals District is not an appropriate zoning for the property and surrounding area. According to the North Central Community Plan “C-3” is only allowed in Regional Commercial land use. The zoning change request will allow zoning that is more compatible with the surrounding area and functions as a transition between the different uses and zones.

4. Health, Safety and Welfare:

Staff found no 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 North Central Neighborhoods Community Plan:

- GOAL 1: Support and promote business and employment development along the commercial corridors that provide for a healthy business climate while supporting the needs of the North Central Neighborhoods Community by aesthetically and environmentally reinforcing their community cultural identity and providing an attractive destination for visitors and shoppers from around the city.

- GOAL 2: Encourage the establishment of neighborhood-friendly businesses along the commercial corridors that promote pedestrian accessibility.
 - Objective 2.2: Encourage mixed use development (in the area bounded by San Pedro Avenue, Rector, McCullough, and Sprucewood) that combines commercial, residential and office uses near a transportation node.

6. Size of Tract:

The subject property is 0.221 acres, which could reasonably accommodate the requested office and existing residential use.

7. Other Factors:

The applicant proposes an office in the building fronting Earl Street and would also like to maintain the two (2) residential units in the rear of the property.

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.