



City of San Antonio

Agenda Memorandum

File Number:19-7612

Agenda Item Number: 8.

Agenda Date: 10/15/2019

In Control: Zoning Commission

DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: 2

SUBJECT:

Zoning Case Z-2019-10700207 CD

(Associated Plan Amendment PA2019-11600059)

SUMMARY:

Current Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

Requested Zoning: "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Auto Rental

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: October 15, 2019. This case is continued from the October 1, 2019 hearing.

Case Manager: Patricia Franco, Planner

Property Owner: Roi Biton

Applicant: Roi Biton

Representative: Roi Biton

Location: 1403 North Pine Street, 1405 North Pine Street and 527 Duval

Legal Description: 0.3535 acres out of NCB 495

Total Acreage: 0.3535

Notices Mailed

Owners of Property within 200 feet:

Registered Neighborhood Associations within 200 feet: Government Hill Alliance Neighborhood Association

Applicable Agencies: Fort Sam Houston Military Base

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 "A" Residence District. The property converted to "R-5" Single Family Residence District with the adoption of the 1965 Unified Development Code on June 28, 1965 by Ordinance 33412. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned "R-5" Single Family Residence District converted to the current "R-5" Residential Single-Family District.

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-5"

Current Land Uses: Single Family Dwellings

Direction: East

Current Base Zoning: "R-5"

Current Land Uses: Single Family Dwelling

Direction: South

Current Base Zoning: N/A

Current Land Uses: Duval Street

Direction: West

Current Base Zoning: "R-5"

Current Land Uses: Single Family Dwellinh

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: Pine Street

Existing Character: Local

Proposed Changes: None Known

Public Transit: VIA bus routes are not within walking distance of the subject property

Routs Served: None

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 requirements for Auto Rental is 1 parking space per 1,000

square feet of the 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 present zoning district designation of "R-5". These 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.

Proposed: "C-2 CD" districts accommodate 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. The Conditional Use for Auto Rental allows for the overnight storage of vehicles at the facility, as well as for the rental of the vehicles.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The property is not located within a Regional Center but is located within half a mile of a Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Denial, with an Alternate Recommendation.

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 Mixed Use" in the future land use component of the plan. The requested "C-2" base zoning district is not consistent with the future land use designation. The applicant requested a Plan Amendment to "Mixed Use." Staff recommends Denial. The Planning Commission recommendation is pending the October 9, 2019 hearing.

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 "C-2" is an overly intense commercial district for an established single-family neighborhood. Smaller scale commercial such as "NC" Neighborhood Commercial or "C-1" Light Commercial would be more appropriate in relation to existing residential.

3. Suitability as Presently Zoned:

The current "R-5" Single Family Residential is appropriate for the property. The applicant can accomplish the desired commercial zoning through the less intense commercial district of "C-1 CD." This zoning is consistent

with the current “Low Density Mixed Use” and would allow a Conditional Use for the Auto Rental Facility with any necessary conditions such as: hours of operation, no temporary signage, fencing, buffering and other similar regulations.

4. Health, Safety and Welfare:

Staff has found indication of likely adverse effects on the public health, safety, or welfare.

5. Public Policy:

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

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 0.3535 acres, which could reasonably accommodate commercial uses and an auto rental facility.

7. Other Factors:

The applicant is proposing commercial uses which would include an art gallery and auto rental facility for exotic cars.

This zoning request includes the intention to demolish buildings. In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. Approval of a zoning change does not imply approval of or take the place of such demolition review as directed by the UDC. For 1403 N Pine, the Office of Historic Preservation approved the demolition of the main structure in 2014. The demolition of the main structure at 1405 N Pine was approved by OHP on March 20, 2018.