

CITY OF SAN ANTONIO

Zoning Commission Agenda

Cliff Morton Development and Business Services Center
1901 S. Alamo Street
Board Room

Tuesday, September 6, 2011

12:45 PM

ZONING COMMISSIONERS

Mariana Ornelas – District 1

Dan Martinez – District 2

Andrew Anguiano – District 3

Orlando Salazar – District 4

Vacant – District 5

Christopher Martinez – District 6

David Christian – District 7

Rick McNealy – District 9

Milton R. McFarland – District 10

Brenna Nava– District Mayor

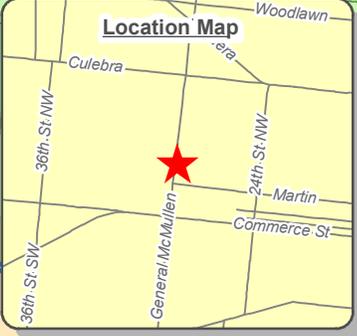
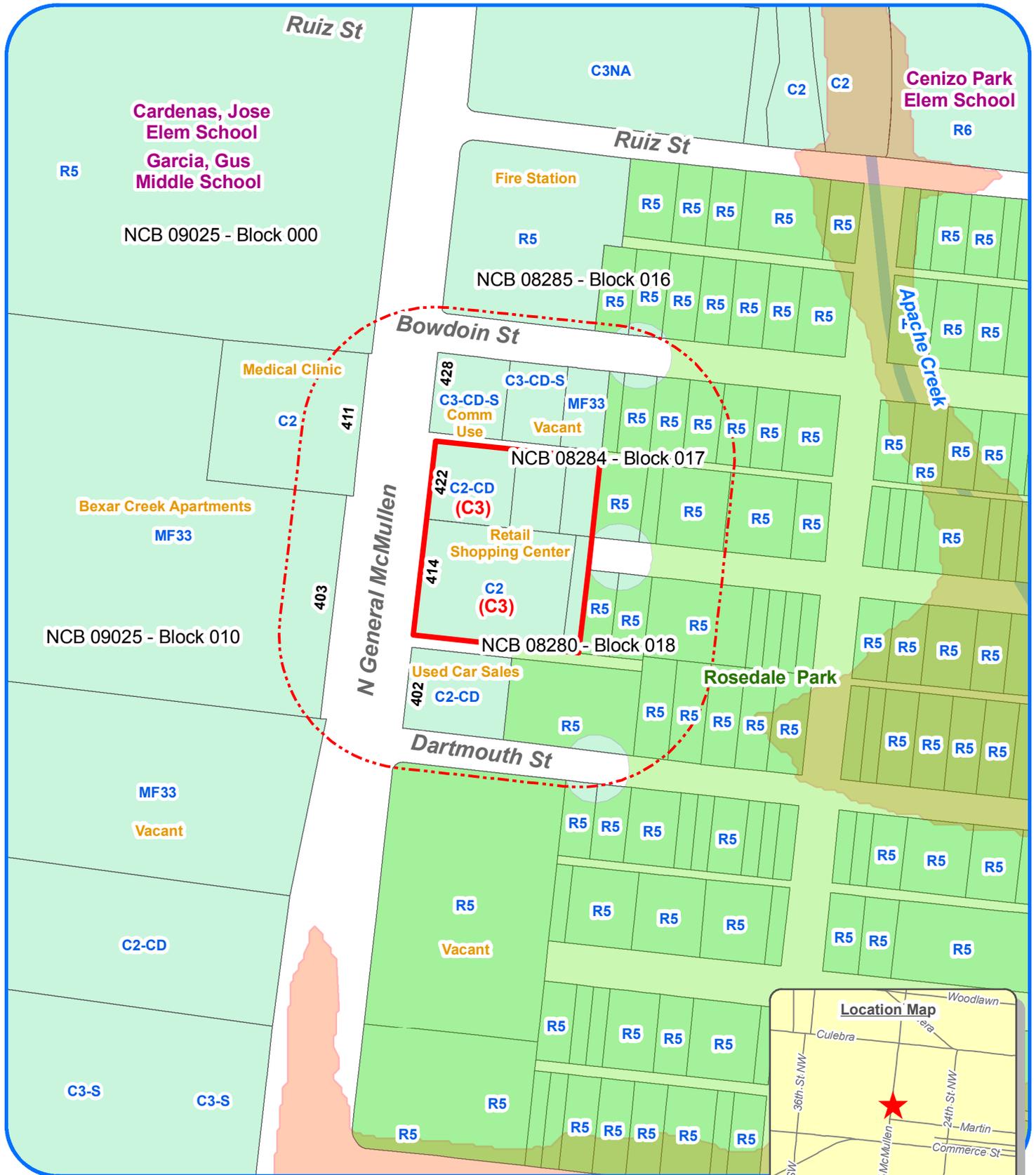
Billy J. Tiller – District 8

Chairman

1. **12:45 PM** - Work Session - discussion of policies and administrative procedures, and any items for consideration on the agenda for September 6, 2011.
2. **1:00 P.M.** Board Room– Call to Order.
3. Roll Call.
4. Pledge of Allegiance.
5. Approval of August 16, 2011 Zoning Commission Minutes.
6. **ZONING CASE NUMBER Z2011135 (Council District 5):** The request for a change in zoning from “C-2 AHOD” Commercial Airport Hazard Overlay District and “C-2 CD AHOD” Commercial Airport Hazard Overlay District with a conditional use for mini-storage units to “C-3 AHOD” General Commercial Airport Hazard Overlay District on Lot 34, Block 18, NCB 8280 together with that portion of Colby Street adjacent to and north of Lot 34 abandoned by Ordinance No. 98915 of the City of San Antonio (also known as P-100 by the Bexar County Appraisal District), Lot 49, Block 18, NCB 8280, and Lots 15 through 24, Block 17, NCB 8284, 414, 418 & 422 North General McMullen.
7. Director’s Report – Update regarding the Westfort Neighborhood Conservation District.
8. **Executive Session:** consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
9. **ADJOURNMENT.**

Accessibility Statement

This meeting is wheelchair accessible. Accessible entrances are located at the front and side of the building at 1901 South Alamo Street. Accessible parking spaces are located at the front and rear of the building. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



Zoning Case Notification Plan

Case Z-2011-135

Council District 5

Scale: 1" approx. = 200 ft.

Subject Property Legal Description(s): NCB 08284 - Block 017 - Lots 15 thru 24 and NCB 08280 - Block 018 - Lots 34, 49 and Parcel P-100

Legend

- Subject Properties (1.756 Acres) ———
- 200' Notification Area - - - - -
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain
- Single Family Residential **1R**



Development Services Dept
City of San Antonio
(08/02/2011 - E Hart)

Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).



City of San Antonio

Development Services Department

Staff Report

To: Zoning Commission

Zoning Case #: Z2011135

Hearing Date: September 6, 2011

Property Owner: Mireles Properties, LLC.

Applicant: Lupe Mireles

Representative: Jose Gallegos

Location: 414, 418 and 422 North General McMullen Drive

Legal Description: Lot 34, Block 18, NCB 8280 together with that portion of Colby Street adjacent to and north of Lot 34 abandoned by Ordinance No. 98915 of the City of San Antonio (also known as P-100 by the Bexar County Appraisal District), Lot 49, Block 18, NCB 8280, and Lots 15 through 24, Block 17, NCB 8284

Total Acreage: 1.7562

City Council District: 5

Case Manager: Andreina Dávila-Quintero, Planner

Case History: This is the second public hearing for this zoning case. The applicant requested this case be postponed on May 19, 2011. On July 15, 2011, the applicant submitted a request for this case to be scheduled for the August 16, 2011 Zoning Commission Public Hearing. The case was continued from the August 16, 2011 Zoning Commission Public Hearing.

Proposed Zoning Change

Current Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Mini-Storage Units

Requested Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code ("UDC"). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 29, 2011. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on August 3, 2011. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 12, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 35

Neighborhood Associations: Prospect Hill Neighborhood Association. The Loma Vista Neighborhood Association is located within two hundred (200) feet of the subject properties.

Planning Team Members: None

Applicable Agencies: None

Property Details

Property History: The subject properties were annexed on August 3, 1944 (Ordinance No. 1258), and were zoned “JJ” Commercial District and “C” Apartment District. Upon the adoption of the 2001 UDC, the previous base zoning districts were converted to the “I-1” General Industrial and “MF-33” Multi-Family Residential districts, respectively. In February 2002, the current property owner submitted a request to rezone the northern half of the subject properties (Lots 15 through 24, Block 17, NCB 8284) to “C-3” General Commercial district; however, on April 11, 2002, the City Council approved “C-2 CD” Commercial District with a Conditional Use for Mini-Storage Units (Ordinance No. 95609) rather than the “C-3” General Commercial District requested by the owner. Thereafter, on January 8, 2004, the City Council approved the rezoning of the southeast portion of the subject properties (Lots 31 through 34, Block 18, NCB 8280) to “C-2” Commercial District (Ordinance No. 98679). On March 4, 2004, the City Council approved the abandonment of an unimproved portion of Colby Street public right-of-way in the Rosedale Park Addition immediately adjacent to the park and abutting the subject properties. On May 25, 2004, Lots 25 through 33 and the portion of Colby Street immediately to the north of these lots were replatted into Lot 49 (Volume 9561, Page 86, Deed and Plat Records of Bexar County, Texas). Lastly, on May 17, 2007, the City Council approved the rezoning of the southwest portion of the subject properties (Lot 49, Block 18, NCB 8284) to “C-2” Commercial District.

The subject properties consist of a retail shopping center with three (3) buildings (414, 418 and 422), which were built between 2002 and 2004 according to the Bexar County Appraisal District.

Topography: The subject properties do not include any abnormal physical features such as significant slope or inclusion in a flood plain.

Adjacent Zoning and Land Uses

Direction: North

Current Base Zoning: “C-3 CD S” General Commercial with a Conditional Use for Heavy Equipment Repair and a Specific Use Authorization for a Contractor Facility, and “MF-33” Multi-Family Residential districts

Current Land Uses: Commercial use and vacant

Direction: South

Current Base Zoning: “C-2 CD” Commercial with a Conditional Use for Auto Sales and “R-5” Single-Family Residential districts

Current Land Uses: Used Car Sales and Rosedale Park

Direction: East

Current Base Zoning: “R-5” Single-Family Residential district

Current Land Uses: Rosedale Park

Direction: West

Current Base Zoning: “C-2” Commercial and “MF-33” Multi-Family Residential districts

Current Land Uses: Medical Clinic and Apartments

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 (“FAA”).

Transportation

Thoroughfare: North General McMullen Drive

Existing Character: Primary Arterial Type A, three (3) lanes each way with a median or center lane

Proposed Changes: None known

Public Transit: VIA bus lines 79 and 524 operate along General McMullen in front of the subject properties with bus stops located at the intersections of North General McMullen and Dartmouth Street, and Ruiz Street. VIA bus line 524 terminates at the Crossroads Park and Ride facility.

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: Table 526-3 of the UDC establishes the minimum and maximum number of parking spaces required on a property. The number of parking spaces required on the subject property will be determined by the existing and proposed uses, as well as the size of the structures.

Staff Analysis and Recommendation: Denial.

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject properties are not within a Neighborhood or Community Plan. However, one (1) of the goals of the City’s Master Plan is to ensure that proposed land uses and development are compatible in their use, character and size to the site and the surrounding areas. The subject properties have a range of service, retail and office uses that are consistent with the current “C-2” Commercial base zoning district, and are compatible with the surrounding land uses and zoning districts. The proposed “C-3” General Commercial zoning district would allow uses that are more intense in nature, and will have a greater impact on the surrounding areas. With Rosedale Park, Jose Cardenas Elementary School, Gus Garcia Middle School and Bexar Creek Apartments, all of which are located within two hundred (200) feet of the subject properties. It is staff’s professional opinion that the proposed “C-3” General Commercial zoning district is neither appropriate for the subject properties, nor consistent with the City’s Master Plan.

2. Adverse Impacts on Neighboring Lands:

The proposed “C-3” General Commercial zoning district is designed to provide for more intense uses that are typically characterized as community and regional power centers such as shopping malls, movie theaters, hospitals and wholesalers, among others. Due to its classification, the “C-3” General Commercial base zoning district is best located at intersections of major arterials and within commercial nodes. With the exception of the properties to the north, the subject properties are surrounded by zoning districts and uses that are less intense than the range of uses allowed in the proposed “C-3” General Commercial zoning district, and which are more compatible with the existing “C-2” Commercial District. The proposed “C-3” General Commercial District would allow land uses that will adversely impact the neighboring properties to the east (Rosedale Park) and west (Bexar Creek Apartments), as well as other properties within the vicinity. Samples of incompatible uses include bars, nightclubs, auto sales and repair facilities.

3. Suitability as Presently Zoned:

The “C-2” Commercial zoning district accommodates commercial and retail uses that are more intensive in character than neighborhood or light commercial, and which generate a greater volume of vehicular or truck traffic. The existing retail shopping center has a variety of service, retail and office uses, which are compatible with the current “C-2” Commercial base zoning district. The subject properties may continue to be used as a retail shopping center with the current zoning district. Moreover, the applicant has the option to apply to rezone the subject properties (in whole or in part) with a conditional use for an assortment of uses that are best suited in a more intensive commercial district without altering the base zoning districts of the subject properties, or character of the area.

4. Health, Safety and Welfare:

The approval of the requested “C-3” General Commercial zoning district would allow more intense commercial uses increasing traffic, noise, and lighting in the area. In addition, staff has found no evidence that a substantial public need exists for the proposed rezoning.

5. Public Policy:

In 2007, the City Council directed city staff to initiate the rezoning of the North General McMullen area between Culebra Road to the north and West Commerce Street to the south due to the incompatibility of existing land uses with the zoning districts that resulted from the adoption of the 2001 UDC. The intent was to downzone properties to a less intense zoning district so that the properties are brought into compliance with the current provisions of the UDC. In addition, the intention of the down-zoning of these properties was to provide the most appropriate zoning to the current land uses, and thus, protect current business owners from future non-conforming uses. This rezoning case resulted in a number of properties fronting North General McMullen Drive being downzoned to the lowest intense zoning district possible depending on the existing business and uses on site. The majority of the southern half of the subject properties was subject to the North General McMullen area rezoning case. Due to the existing retail and service type uses, this portion of the subject properties was downzoned to “C-2” Commercial District.

6. Size of Tract:

The subject properties comprise of a total area of approximately 1.76 acres, which is adequate size for the existing and proposed zoning districts. Additionally, the subject properties comply with the 20-foot minimum lot street frontage requirement of the “C-2” Commercial and “C-3” General Commercial base zoning districts as established by the UDC.

7. Other Factors:

Since the adoption of the 2001 UDC, the subject properties have been rezoned multiple times, all of which resulted in the subject properties having the “C-2” Commercial zoning district. At present, there have been no significant changes within the area or changes in development patterns that result in the need of a higher zoning classification than what already exists.

Furthermore, while the subject properties are not located within a Neighborhood or Community Plan, it should be noted that in 2011, the City adopted the West/Southwest Sector Plan that extends to the west side of North General McMullen Drive. Per the West/Southwest Sector Plan, the properties to the west of the subject properties are within the General Urban Tier, which is characterized as urbanized areas where frequent and/or attached retail services are appropriate. Within the General Urban Tier, the highest zoning district allowed is “C-2” Commercial District. While staff recognizes that the subject properties are not located within the boundaries of this land use plan, it is appropriate planning practice to recommend that both block-faces develop in a cohesive, thoughtful pattern. Therefore, the proposed “C-3” General Commercial zoning district is also inconsistent with the recommended future development along North General McMullen Drive.