

STAFF REPORT



Meeting: May 18, 2015

To: Planning Commission

From: Patrick B. Howard, AICP
Director

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Presenter: Santiago Abasolo, AICP
Senior Planner

Case: Z15-02

Request: Rezoning from Single-Family Residential (RS-1) to
Neighborhood Commercial (CN)

Location: 2713 South Bryant, located on southwest corner of the
intersection of West Avenue W and South Bryant Boulevard.

**Legal
Description:** Occupying Lot 12 Block 1 of the Monterrey Addition

Size: 0.160 acres

General Information

Future Land Use: Neighborhood Center

Zoning: Single Family Residential (RS-1)

Existing Land Use: Vacant land

Surrounding Zoning/Land Use:

North:	Residential (RS-1), Office Commercial (CO), Office Warehouse (OW)	Single family dwellings Offices
West:	Single Family Residential (RS-1)	Single family dwellings
South:	Single Family Residential (RS-1), Low Rise Multifamily Residential (RM-1)	Single family dwellings, Multifamily residential
East:	Single Family Residential (RS-1), General Commercial/Heavy Commercial (CG/CH)	Single family dwellings, Vacant Land, Institutional, Commercial

District: CMD# 3 – Johnny Silvas

Neighborhood: Rio Vista Neighborhood

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), South Bryant Boulevard (US Highway 87) is identified as an Arterial Street. An Arterial Street connects collector streets to freeways and other arterials carrying large volumes of traffic at high speeds, access is secondary and mobility is the primary function of these streets. The MTP requires South Bryant Boulevard to have a minimum paving width of 64 feet and minimum right-of-way of 80 feet. Per the MTP, West Avenue West is identified as a Local Street. Local Streets carry traffic to Arterial Streets at a moderate speed and provide the principal means of access to abutting

property only. The MTP requires West Avenue W to have a minimum paving width of 36 feet with a 4-foot wide sidewalk installed on one side of the right-of-way or a minimum 40 feet paving width without a sidewalk; and a minimum right-of-way of 50 feet. At present, the paving width is approximately 36 feet wide with approximately 50-foot right-of-way.

Recommendation:

The Planning Division recommends **APPROVAL** of a Rezoning request for the **Neighborhood Commercial (CN)** zoning district.

History and Background:

On April 16, 2015, the applicant submitted an application for a Rezoning on the subject property from Single Family Residential (RS-1) to Neighborhood Commercial (CN). The applicant is proposing to use the subject property for the operation of a food truck.

On May 23, 1979, an application for rezoning from Single Family Residential (RS-1) to Heavy Commercial (CH) was submitted to the City. Staff recommended denial indicating that the proposed zoning district was an intrusion of commercial activity into a residential area and that Heavy Commercial with outside storage was the least compatible zoning in a residential neighborhood. The proposed use was a car lot, but the applicant decided to withdraw the rezoning.

Analysis:

Section 212(G) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any Rezoning request.

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*

The subject property is designated “Neighborhood Center” on the Future Land Use (FLU) map of the City’s Comprehensive Plan. The proposed Neighborhood Commercial (CN) zoning district appears to be consistent with the “Neighborhood

Center” FLU designation. The Comprehensive Plan recommends establishing Neighborhood Centers that take a more pedestrian-friendly character, are more integrated with and connected to their surroundings, and cluster buildings to generate synergies between complementary uses. One of the recommended Action Steps is to amend codes and regulations to be more appropriate to market conditions, increased flexibility to changing market realities, and improve built form. The Comprehensive Plan also recommends to improve pedestrian experience by promoting storefront character of buildings oriented to the street. Another of the goals is to improve pedestrian access to commercial Neighborhood Centers through clustering of commercial activity and increased access and connectivity between the neighborhoods and their associated Neighborhood Centers. The proposed CN zoning district appears to be an appropriate designation for lower intensity development which may be consistent with the surrounding Neighborhood areas.

2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*

The CN zoning district allows for a variety of uses including offices, restaurants, retail sales and service, and limited vehicle service, as well as community services and day care centers. The minimum lot area in the CN zoning district is 6,000 square feet, and the subject property is 6,950 square feet. The CN zoning district requires a minimum width of 50 feet and a minimum depth of 80 feet, and the site is approximately 51 feet wide by 138 feet long. Section 509 of the Zoning Ordinance will require the construction of a 6-foot high opaque privacy fence along the property lines abutting residential zoning districts or uses. Any future nonresidential development in the CN zoning district will require a 25-foot minimum front yard, and if the future use is adjacent to a residential district or use, the minimum required side and rear yards is 10 feet. Given the size of the subject property and proposed use, it would appear that any future development should be able to comply with the requirements for the zoning district.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*

A Neighborhood Commercial (CN) zoning designation for the subject properties appears to be compatible with the Neighborhood Center Future Land Use designation and with the surrounding area as it will allow the development of residential and non-residential uses with a maximum height of 35 feet which appears to be compatible with the adjacent residential areas. The Neighborhood Commercial district will also allow for the development of commercial and institutional uses with a maximum height of 35 feet which is also compatible with surrounding residential area. The Neighborhood Commercial zoning designation requires a Maximum Floor Area Ratio (FAR) of 0.6 which appears to be

compatible with the surrounding residential. A higher FAR translates into a more intense type of development that might not be compatible with the existing residential area and the proposed Neighborhood Center category of the Comprehensive Plan. The Neighborhood Commercial zoning designation requires that any outdoor display shall only be “allowed adjacent to a principal building and extending to a distance no greater than 5 feet from the wall.” Additionally, storage is not permitted to block windows, entrances, and shall “impair the ability of pedestrians to use the building.” These requirements appear to be compatible with the surrounding existing residential area.

4. Changed Conditions. *Whether and the extent to which there are changed conditions that require an amendment.*

The property is currently vacant and is surrounded mostly by residential zoning designations and an Office Commercial (CO) zoning district on the northwest corner of the intersection of South Bryant Boulevard and West Avenue W. But within a radius of approximately 500 feet can be found Office Warehouse (OW), Low Rise Multi-Family (RM-1), and a General Commercial/Heavy Commercial (CG/CH) zoning districts. The proposed type of development found in the Comprehensive Plan appears to support the Neighborhood Commercial district designation. The proposed use also seems to reflect an unmet demand for this area of the City that can be achieved with the appropriate zoning district.

5. Effect on Natural Environment. *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*

There would not appear to be any negative environmental effects if this property were to be rezoned to CN. Since this zoning district only allows for low intensity commercial development with small floor areas and limited traffic generation and trade area, it appears that no additional noise will affect the existing residential neighborhoods. Any grading, drainage and stormwater issues would be reviewed by Engineering Staff at the building permit stage.

6. Community Need. *Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

The Future Land Use (FLU) map of the Comprehensive Plan recommends Neighborhood Center designation to surrounding area including the existing residential area. The CN zoning district seems to better support the existing and future development demand recommended for this area. It also appears to fill the need for the type of less intense commercial development that will link the

existing residential areas to the west and east of the subject property with the existing and future commercial uses along South Bryant Boulevard.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*

The development patterns for the existing residential areas seems to better support an CN zoning district that would allow for a more intense type of development than the existing and recommended residential uses of the surrounding area, but a less intense type of development allowed by other zoning districts such as General Commercial or Heavy Commercial zoning districts.

Notification:

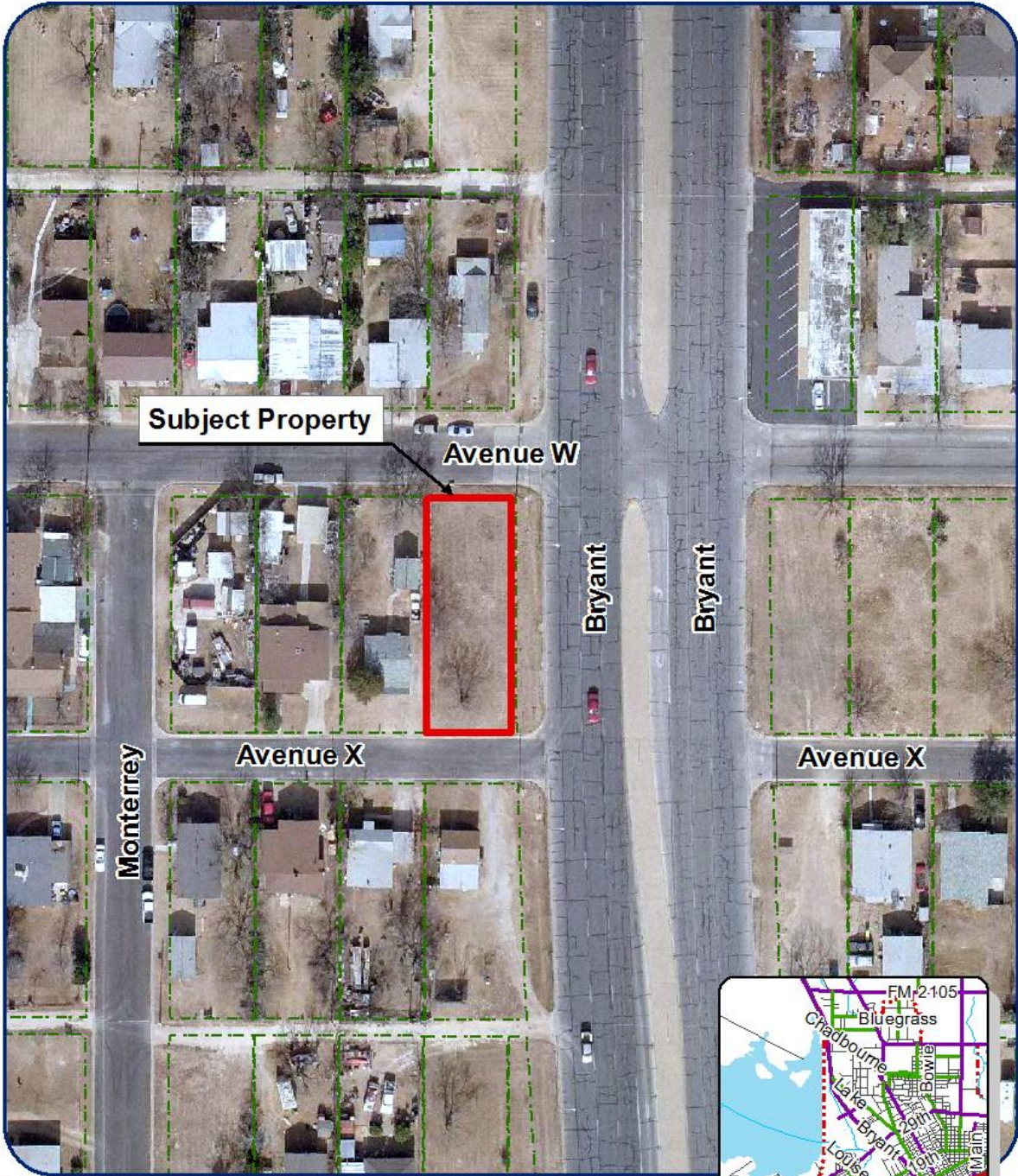
On May 1, 2015, 23 notifications were mailed out within a 200-foot radius of the subject site. As of May 11, 2015, there were zero (0) responses in favor and zero (0) responses in opposition of the request.

Action Requested:

The action requested is for the Planning Commission to recommend **APPROVAL** for a Rezoning from the Single-Family Residential (RS-1) zoning district to the **Neighborhood Commercial (CN) zoning district.**

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Map
Notification Map
Site Photos



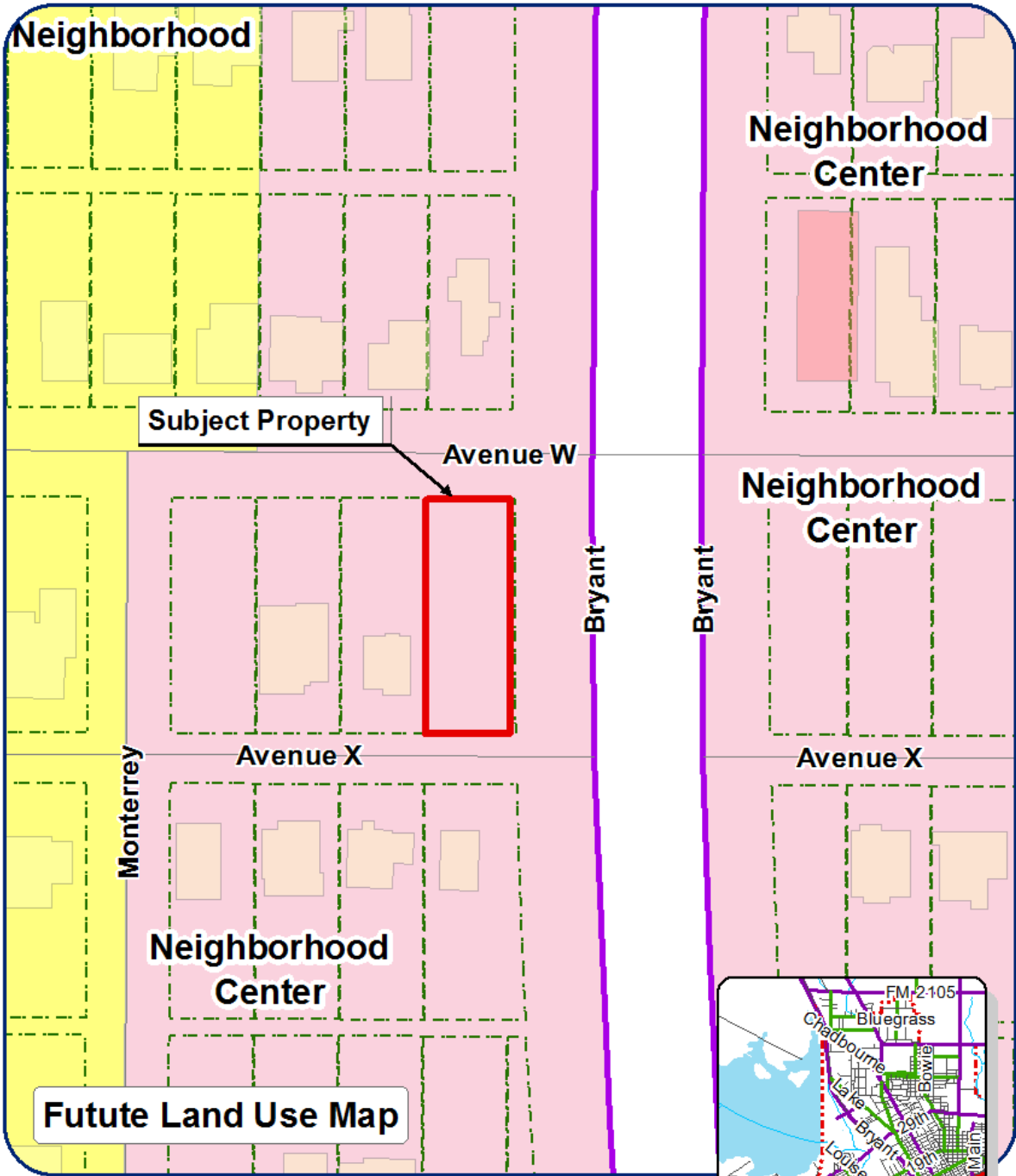
Zoning Case File
Case Z15-02: Kirking

Council District: Johnny Silvas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 75 ft
 Subject Property: 2713 South Bryant Boulevard, Lot 12 Block 1 of the Monterrey Addition

Legend

- Subject Property: —
- Current Zoning: **RS-1**
- Requested Zoning Change: **CN**
- Vision: **Neighborhood Center**

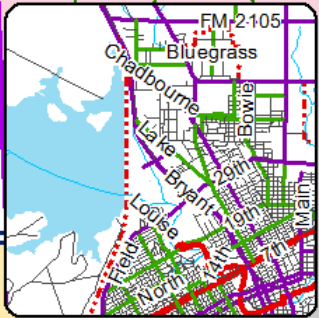


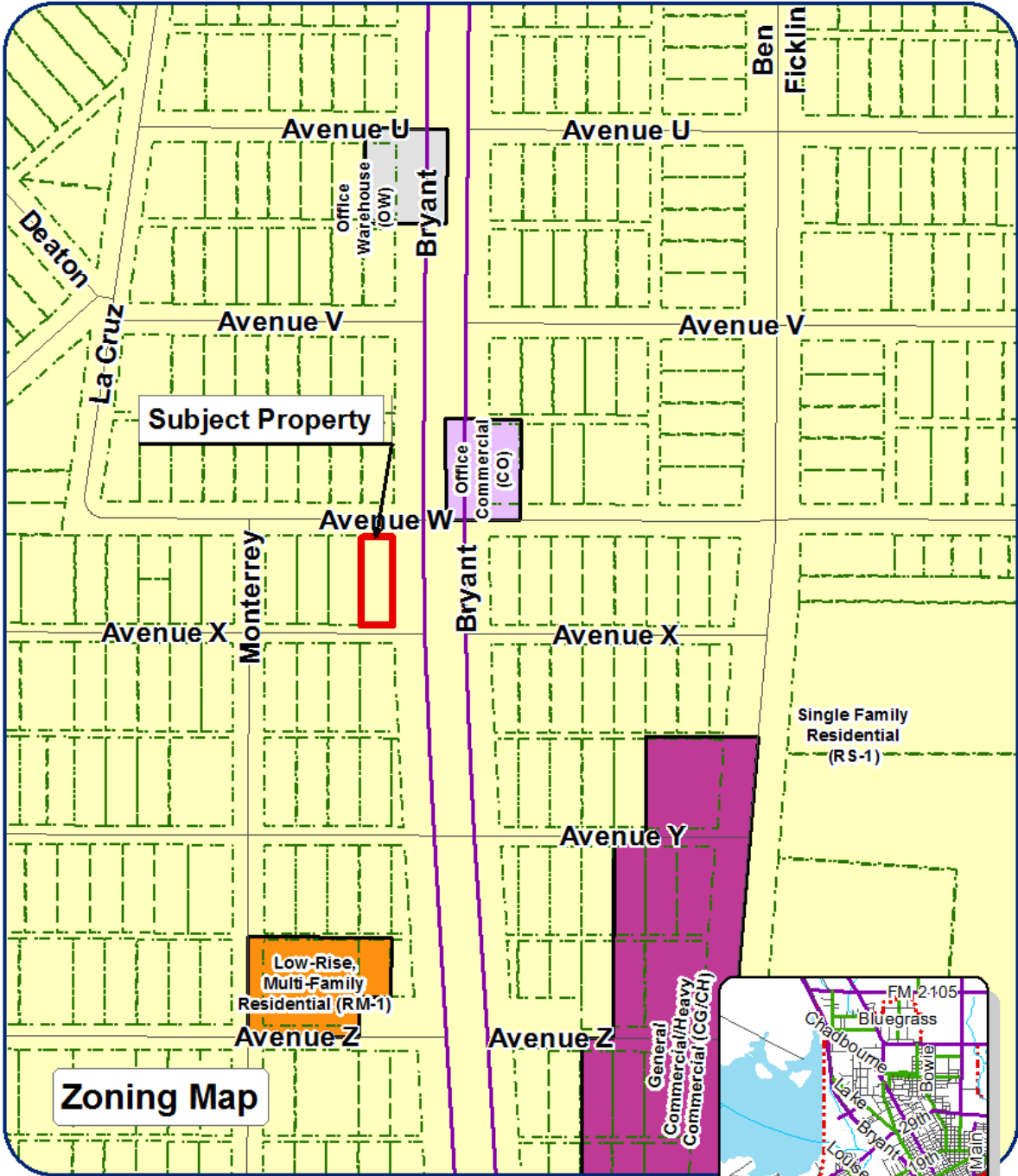


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Zoning Map

Zoning Case File

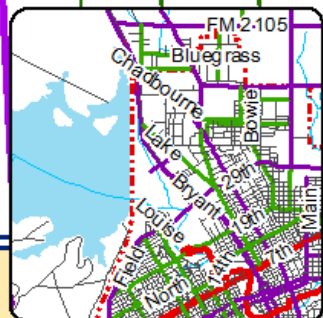
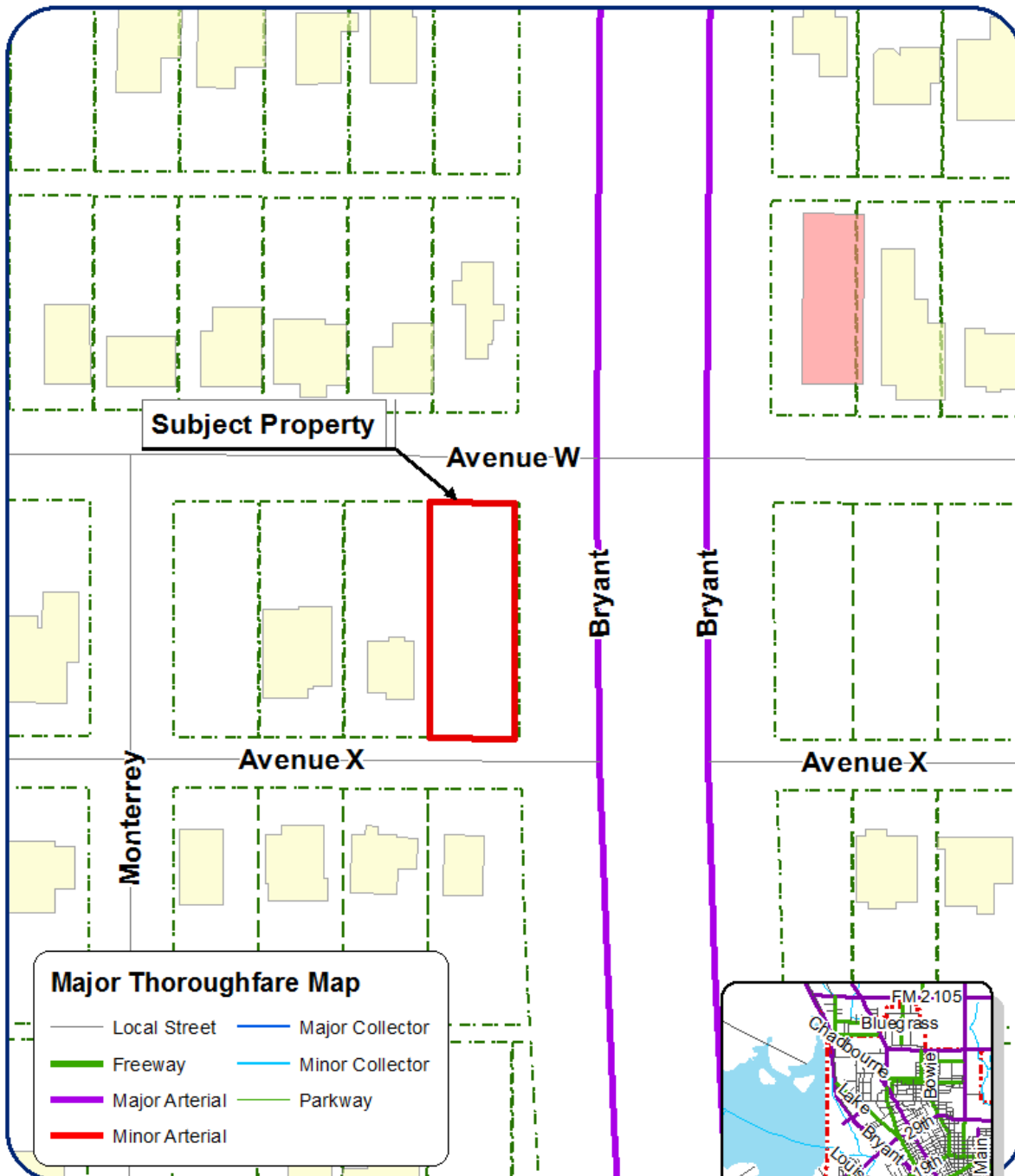
Case Z15-02: Kirking

Council District: Johnny Silvas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 200 ft
 Subject Property: 2713 South Bryant Boulevard, Lot 12 Block 1 of the Monterey Addition

Legend

- Subject Property: —
- Current Zoning: **RS-1**
- Requested Zoning Change: **CN**
- Vision: **Neighborhood Center**





Zoning Case File

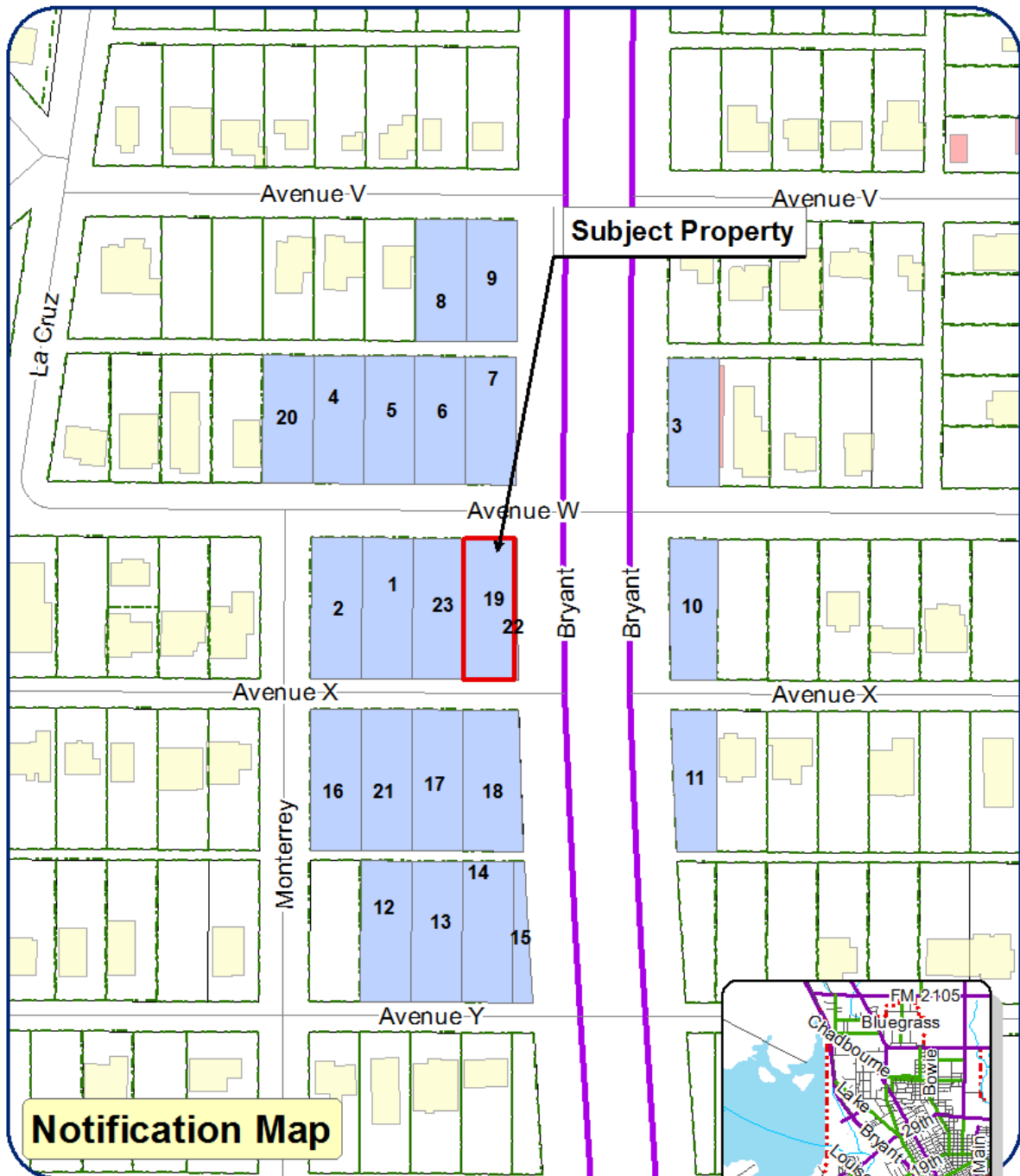
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Legend

Subject Property: █
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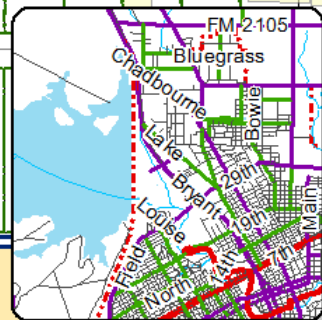
Zoning Case File

Case Z15-02: Kirking

Council District: Johnny Silvas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 125 ft
 Subject Properties: 2713 South Bryant Boulevard, Lot 12 Block 1 of the Monterey Addition

Legend

- Subject Properties: —
- Current Zoning: **RS-1**
- Requested Zoning Change: **CN**
- Vision: **Neighborhood Center**



SITE PHOTOS



NORTH



EAST

SITE PHOTOS



SOUTH



WEST