



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-3407

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 6/18/2015

**Title:** ZONING CASE # Z2015190 (Council District 2): An Ordinance amending the Zoning District Boundary from "D AHOD" Downtown Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "D" Downtown District and a Mobile Food Court on Portion of Lot 11, Lot 12, and Lot 13, Block 24, NCB 534, located at 201 Burnet Street. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2015-190\_Location Map, 2. Z2015190- Site Plan, 3. Z2015190\_Zoning Minutes, 4. Ordinance 2015-06-18-0607

Date	Ver.	Action By	Action	Result
6/18/2015	1	City Council A Session	Motion to Appr w Cond	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2015190

**SUMMARY:**

**Current Zoning:** "D AHOD" Downtown Airport Hazard Overlay District

**Requested Zoning:** "IDZ AHOD" Infill Development Zone with uses permitted in "D" Downtown District and a Mobile Food Court

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** May 19, 2015

**Case Manager:** Mary Morales-Gonzales, Planner

**Property Owner:** Guerrero & Morales, LLC (Michael A. Guerrero, Manager)

**Applicant:** Guerrero & Morales, LLC (Michael A. Guerrero, Manager)

**Representative:** Kaufman & Killen, Inc. (Bill Kaufman)

**Location:** 201 Burnet Street

**Legal Description:** Portion of Lot 11, 12 and 13, Block 24, NCB 534

**Total Acreage:** 0.283

**Notices Mailed**

**Owners of Property within 200 feet:** 7

**Registered Neighborhood Associations within 200 feet:** Dignowity Hill Neighborhood Association

**Planning Team:** Dignowity Hill Planning Team - 23

**Applicable Agencies:** San Antonio Aviation Department

**Property Details**

**Property History:** The subject property is located within the City Limits as they were recognized in 1938, and was originally zoned "I" Business District. Upon adoption of the 1965 Unified Development Code, the property converted to "I-1" General Industrial District. A 1989 city-initiated zoning case changed the zoning to "B-4" Central Business District. Upon adoption of the 2001 Unified Development Code, the "B-4" zoning district converted to the current "D". The subject property is undeveloped.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "D"

**Current Land Uses:** Taco Bar

**Direction:** East

**Current Base Zoning:** "D"

**Current Land Uses:** Vacant

**Direction:** South

**Current Base Zoning:** "D H HS"

**Current Land Uses:** Healy-Murphy Center

**Direction:** West

**Current Base Zoning:** N/A

**Current Land Uses:** Freeway

**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:** Burnet Street

**Existing Character:** Local Road

**Proposed Changes:** None known

**Thoroughfare:** Live Oak Street  
**Existing Character:** Local Road  
**Proposed Changes:** None known

**Public Transit:** VIA bus route

**Traffic Impact:** “IDZ” zoning is exempt from TIA requirements.

**Parking Information:** The “IDZ” Infill Development Zone District eliminates off-street parking requirements.

**ISSUE:**  
None.

**ALTERNATIVES:**

Denial of the zoning request will result in the subject property retaining the “D” Downtown District and only allowing uses within that base zoning. Due to the triangular shape of the lot and the proximity to a freeway, the applicable design standards under the Downtown Design Guidelines for properties zoned “D” Downtown District, present challenges in the development of this small lot.

**FISCAL IMPACT:**  
None.

**RECOMMENDATION:**

Staff and Zoning Commission (8-0) recommend Approval.

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

**1. Consistency:**

The property is located within the Dignowity Hill Neighborhood Plan and the future land use is High Density Mixed Use. The proposed zoning is consistent with the future land use plan.

**2. Adverse Impacts on Neighboring Lands:**

Staff finds that the proposed zoning change poses no adverse impacts to neighboring lands.

**3. Suitability as Presently Zoned:**

The current zoning “D” Downtown District is suitable for the property. The triangular shape of the lot and the proximity to the freeway make it difficult to meet the Downtown Design Guidelines. Therefore, the base zoning of “IDZ” Infill Development Zone is a more suitable zoning designation.

**4. Health, Safety and Welfare:**

Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

**5. Public Policy:**

Although the rezoning of the property removes the property from the “D” Downtown District, the shape and size of the lot present development constraints making the property difficult to develop as presently zoned.

**6. Size of Tract:**

The size of the property is 0.283 acres, which is sufficient to accommodate development.

## 7. Other Factors:

The applicant has submitted a detailed site plan which shows the substantial conformance to the design standards as set forth under the “D” Downtown District. The applicant is proposing the standards listed below to comply with the Downtown Design Guidelines given the site constraints. Staff worked with the Department of Planning and Community Development and Attorney’s Office to finalize the review of the site plan and standards.

IDZ with uses in the downtown zoning district “D” and authorization for a mobile food court. Any “D” use shall comply with the standards of the Downtown Design Guide and any use for a mobile food court shall comply with the following standards:

1. Awning and canopies shall be fabricated of woven fabric, glass, metal or other permanent material compatible with the building’s architecture.
2. Utilize buildings, colonnades and landscaping to define edges and create a sense of three-dimensional containment to urban spaces and plazas.
3. Parking and security lights shall not provide spillover to neighboring residential properties.
4. Ventilation intakes and exhausts shall be located to minimize adverse pedestrian impacts along the sidewalk.
5. Site furniture must be well designed to encourage their use, be able to withstand the elements, and situated in appropriate locations and shaded, clustered in groupings near site features like fountains and in plazas, etc.
6. All fascia signage shall be integrated into the architecture.
7. The signage material will be weather proof and fade resistant.
8. Signs shall use appropriate means of illumination. These include: neon tubes, fiber optics, incandescent lamps, cathode ray tubes, shielded spotlights and wall wash fixtures.
9. Asphalt is not permitted for public sidewalks in downtown.
10. Prohibited street furnishings in downtown. The following street furnishings are prohibited within the publicly owned portion of the right of way adjacent to streets or the River Walk:
  - Vending machines
  - Automatic teller machines
  - Pay phones
  - Photo booths
  - Automated machines such as, but not limited to, blood pressure machines, fortune-telling machines, video games, animated characters and other machines that are internally illuminated, or have moving parts, or make noise, or have flashing lights
  - Inanimate figures such as horses, kangaroos, bears, gorillas, mannequins or any such animals, cartoon or human figure. This does not apply to public art approved by the Public Art Board