



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-4373

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 9/15/2016

**Title:** ZONING CASE # Z2016105 (Council District 5): An Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-5 AHOD" Residential Mixed Airport Hazard Overlay District on Lot 39 and 40, Block 3, NCB 8277, located at 134 Colby Street. Staff and Zoning Commission recommend Denial. (Continued from August 4, 2016)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2016105 Location Map, 2. Z2016105 Minutes, 3. Draft Ordinance, 4. Ordinance 2016-09-15-0714

Date	Ver.	Action By	Action	Result
9/15/2016	1	City Council A Session	Motion to Approve	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** 5

**SUBJECT:**

Zoning Case Z2016105

**SUMMARY:**

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

**Requested Zoning:** "RM-5 AHOD" Residential Mixed Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** April 5, 2016. This case is continued from the March 15, 2016 hearing.

**Case Manager:** Oscar Aguilera, Planner

**Property Owner:** Benita V. Rodriguez

**Applicant:** Martin Rodriguez Lopez

**Representative:** Martin Rodriguez Lopez

**Location:** 134 Colby Street

**Legal Description:** Lots 39 and 40, Block 3, NCB 8277

**Total Acreage:** 0.1377

**Notices Mailed**

**Owners of Property within 200 feet:** 44

**Registered Neighborhood Associations within 200 feet:** Prospect Hill Neighborhood Association.

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property is composed of two legal lots, Lots 39 and Lots 40 Block, NCB 8277, Rosendale Subdivision recorded On February 18, 1829, in Volume 105 page 12 of the Deed and Plat Records of Bexar County. The property was annexed into the City Limits on August 3, 1944 and was originally zoned "C" Apartment District. Upon adoption of the 2001 Unified Development Code, the previous base zoning districts converted to "MF-33" Multi-Family District. In a large area rezoning by Ordinance 97385 in March 2003, the property was zoned to its current zoning of "R-5" Residential Single-Family District. The two lot property configuration is the result of taking the two (2), twenty-five foot (25') wide lots and utilizing them together to create a fifty foot (50') lot width for "R-5" Single-Family Residential District use and classification.

**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:** West, North

**Current Base Zoning:** R-5 CD, R-5

**Current Land Uses:** Duplexes, Single-Family Residential

**Direction:** East, South

**Current Base Zoning:** R-5

**Current Land Uses:** Single-Family Residential

**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:** Colby Street

**Existing Character:** Local Street

**Proposed Changes:** None known

**Public Transit:** VIA bus routes 277 and 79 at Colby Street and Northwest 26 Street

**Traffic Impact:** A Traffic Impact Analysis (TIA) report is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

**Parking Information:** Dwelling - Single-Family cluster parking: Minimum vehicle parking spaces 1 per Unit. Maximum vehicle parking spaces 1.9 per Unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (6-2) recommend Denial.

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

**1. Consistency:**

The subject property is not within a Community Plan or Sector Plan, therefore a finding of consistency is not required. However, the requested “RM-5” Residential Mixed District is not consistent with the existing and surrounding primarily “R-5” Residential Single-Family uses.

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

Staff has found evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The property was rezoned in 2003 as part of a large area rezoning from “MF-33” to “R-5” as a vast majority of the properties in the area were developed as single-family homes. The structures on this property appear to have been expanded to accommodate three (3) dwelling units after the down zoning of 2003. The intensity of the proposed zoning (three residential units/tri-plex) introduces more density into a predominantly single-family zoned area.

**3. Suitability as Presently Zoned:**

The current zoning of “R-5” Residential Single-Family is most consistent with the area. The proposed “RM-5” Residential Mixed District is not consistent as it introduces more density mid-block within a single-family zoned area.

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

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

**5. Public Policy:**

The request does appear to conflict with public policy. In March 2003, by Ordinance 97385 the City Council approved a large area rezoning which carefully considered the zoning and land use pattern in place within the area and found that multi-family zoning was not consistent with the residential character of the area. The result of the Ordinance was the “R-5” Residential Single-Family zoning designation for a large majority of the area, with the exception of some lots which were zoned with Conditional Use for duplexes and quadraplexes.

**6. Size of Tract:**

The subject property is 0.1377 acres in size, which accommodates the current zoning of “R-5” Residential Single-Family.

**7. Other Factors:**

This request is the result of a code violation. The property was originally configured as a primary residence with a detached garage and an accessory dwelling unit in the rear which was in conformance with code. The inconsistency with the current “R-5” Residential Single-Family District occurred when Code Enforcement found that the garage had been expanded and converted to a residential unit, resulting in three (3) dwelling units on the property. The applicant is requesting rezoning to come into compliance with the code.