



# City of San Antonio

## Legislation Details (With Text)

**File #:** 13-1306

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 1/16/2014

**Title:** ZONING CASE # Z2014042 (District 7): An Ordinance amending the Zoning District Boundary from "C-1 AHOD" Light Commercial Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on 3.472 acres out of Lot 30, Block 3, NCB 16733 located on a portion of the 5900 Block of Danny Kaye. Staff and Zoning Commission recommend approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2014-042, 2. Z2014042, 3. Draft Ordinance, 4. Ordinance 2014-01-16-0042

Date	Ver.	Action By	Action	Result
1/16/2014	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 7

**SUBJECT:**

Zoning Case Z2014042

**SUMMARY:**

**Current Zoning:** "C-1 AHOD" Light Commercial Airport Hazard Overlay District

**Requested Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 17, 2013

**Case Manager:** Ernest Brown, Planner

**Property Owner:** Danny Kaye, LLC (by Daniel Kitchen, Managing Member)

**Applicant:** Danny Kaye, LLC (by Daniel Kitchen, Managing Member)

**Representative:** Daniel Kitchen, Managing Member

**Location:** A portion of the 5900 Block of Danny Kaye

**Legal Description:** 3.472 acres out of Lot 30, Block 3, NCB 16733

**Total Acreage:** 3.472

**Notices Mailed**

**Owners of Property within 200 feet:** 79

**Registered Neighborhood Associations within 200 feet:** None

**Planning Team:** North Sector Plan - 41

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property was annexed in 1963 and was originally zoned "Temp A" Temporary Single Family Residence District. In a 1969 case, the property was rezoned to "B-1" Business District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "C-1" Light Commercial District. The subject property is a remaining portion of a platted lot, but is not platted in its current configuration. The 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 Zoning and Land Uses**

**Direction:** Northeast

**Current Base Zoning:** "C-1"

**Current Land Uses:** Condominiums

**Direction:** Northwest and Southeast

**Current Base Zoning:** "RM-4 PUD"

**Current Land Uses:** Attached single-family residences

**Direction:** Southwest

**Current Base Zoning:** "MF-33" and "R-6"

**Current Land Uses:** Apartments and undeveloped land

**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:** Danny Kaye

**Existing Character:** Collector; one lane in each direction with partial sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Shadow Glen

**Existing Character:** Local Street (Cul-de-sac); one lane in each direction with partial sidewalks

**Proposed Changes:** None known

**Public Transit:** The nearest VIA bus line is the 607, which operates along Danny Kaye. The nearest bus stop is at Danny Kaye and Shadow Glen south of the subject property.

**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 rezoning application refers to a proposed assisted living facility with 48 residents. For zoning purposes, congregated living facilities with more than 16 residents are categorized as nursing facilities. The off-street vehicle parking requirements for nursing facilities are determined by the number of beds.

Minimum Requirement: 0.3 of a space per bed; Maximum Allowance: 1 space per bed.

As proposed, facility will require a minimum of 14 parking spaces and will be allowed a maximum of 48 spaces.

**ISSUE:**  
None.

**ALTERNATIVES:**  
A denial of the request will result in the subject property retaining the current commercial zoning; restricting future land uses to those permissible in a C-1 zoning district.

**FISCAL IMPACT:**  
None. The applicant has paid the required zoning fees.

**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 subject property is located within the North Sector Plan and is currently designated as Mixed Use Center in the future land use component of the plan. The requested “C-2” Commercial District is consistent with the adopted land use designation. The Mixed Use Center designation includes a wide range of residential densities and commercial intensities.

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

Staff has found no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. Many of the surrounding properties are developed as high-density residential uses.

**3. Suitability as Presently Zoned:**

The current “C-1” zoning district may be appropriate for the subject property and is consistent with the North Sector Plan. However, the “C-1” district carries a maximum building size of 5,000 square feet. The subject property is approximately 3.5 acres in size, which is sufficient to accommodate larger structures.

**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 not appear to conflict with any public policy objective.

**6. Size of Tract:**

The subject property measures 3.472 acres in size, which is sufficient to accommodate commercial development and required parking.

**7. Other Factors:**

None.