



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-5272

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 7/16/2019

**Title:** (Continued to 07/02/19) ZONING CASE Z-2019-10700110 CD (Council District 1): A request for a change in zoning from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-5 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for four (4) residential units on Lot 65, NCB 11890, located at 367 Everest Avenue. Staff recommends Denial. (Mirko Maravi, Planner (210) 207-0107, mirko.maravi@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z-2019-10700110 CD

**SUMMARY:**

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

**Requested Zoning:** "R-5 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for four (4) residential units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 16, 2019. This case is continued from the July 2, 2019 zoning hearing for lack of a motion.

**Case Manager:** Mirko Maravi, Planner

**Property Owner:** Juan J. Cruz

**Applicant:** Juan J. Cruz

**Representative:** Kaufman & Killen, Inc.

**Location:** 367 Everest Avenue

**Legal Description:** Lot 65, NCB 11890

**Total Acreage:** 0.22

**Notices Mailed**

**Owners of Property within 200 feet:** 22

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

**Applicable Agencies:** None

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 3959, dated September 5, 1946 as an "A" Temporary Residence District. The property was rezoned from "A" Temporary Residence District to "A" Single Family Residence District by Ordinance 24621, dated March 7, 1957. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned "A" Single Family Residence District converted to the current "R-5" Residential Single-Family District.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "R-5"

**Current Land Uses:** Single Family Residence

**Direction:** South

**Current Base Zoning:** "R-5"

**Current Land Uses:** Single Family Residence

**Direction:** East

**Current Base Zoning:** "R-5"

**Current Land Uses:** Single Family Residence

**Direction:** West

**Current Base Zoning:** "MF-33"

**Current Land Uses:** Apartments

**Overlay and Special District Information:**

"AHOD"

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:** Everest Ave

**Existing Character:** Local

**Proposed Changes:** None Known

**Public Transit:** VIA bus routes are within walking distance of the subject property.

**Routes Served:** 9, 647

**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 minimum parking requirement for a dwelling with 4 families is 1.5 spaces per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of “R-5”. These districts provide areas for medium- to high-density, single-family residential uses where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing single-family dwellings and open area where similar residential development seems likely to occur. Residential single-family provides minimum lot size and density requirements in order to preserve neighborhood character.

**FISCAL IMPACT:**

None.

**PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

The subject property is within the Greater Airport Area Regional Center and not located within the Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends 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 located within the San Antonio International Airport Vicinity Land Use Plan and is currently designated as “Low Density Residential” in the future land use component of the plan. The requested “R-5” base zoning district is consistent with the future land use designation.

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

Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed units are too dense for a primarily single-family area.

**3. Suitability as Presently Zoned:**

The current “R-5” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “CD” Conditional Use allows consideration for additional density specifically for four (4) residential units. The applicant can have two (2) residential units by right, one primary and one accessory dwelling unit, as long as the property is owner occupied.

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

Staff has not found indication of likely adverse effects on the public health, safety, or welfare.

**5. Public Policy:**

The proposed rezoning appears to conflict with the following goals, principles, and objectives of the San Antonio International Airport Vicinity Land Use Plan which promotes:

“Low Density Residential”: Single-family homes and accessory dwellings on a single lot.

Objective 1.1 Protect integrity of exiting residential neighborhoods and prevent excessive noise pollution and other airport hazards

**6. Size of Tract:**

The subject property is 0.22 acres, which can accommodate residential dwelling units.

**7. Other Factors:**

The Conditional Use zoning procedure is designed to provide for a land use that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

This zoning request includes the intention to demolish buildings. In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. Approval of a zoning change does not imply approval of or take the place of such demolition review as directed by the UDC. To date, no application for demolition at this address to accommodate the proposed use has been submitted for review to the Office of Historic Preservation.