



# City of San Antonio

## Legislation Details (With Text)

**File #:** 14-2879

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 12/4/2014

**Title:** ZONING CASE # Z2015027 CD (District 2): An Ordinance amending the Zoning District Boundary from "R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District to "R-4 CD NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District with a Conditional Use for a Food Service Establishment without cover charge 3 or more days per week on Lot 21, Block 1, NCB 6227 located at 118 Davis Court. Staff and Zoning Commission recommend approval with conditions.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2015-027, 2. Z2015027 CD, 3. Resolution 2014-11-06-0039 R, 4. DRAFT ORDINANCE, 5. Ordinance 2014-12-04-0982

Date	Ver.	Action By	Action	Result
12/4/2014	1	City Council A Session	Motion to Appr w Cond	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 2

**SUBJECT:**  
Zoning Case Z2015027 CD

**SUMMARY:**

**Current Zoning:** "R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District

**Requested Zoning:** "R-4 CD NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District with a Conditional Use for a Food Service Establishment without cover charge 3 or more days per week

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 18, 2014

**Case Manager:** Brenda V. Martinez, Planner

**Property Owner:** Ivonne Arreola

**Applicant:** City of San Antonio Development Services Department

**Representative:** Catherine Hernandez, Planning Manager Development Services Department

**Location:** 118 Davis Court

**Legal Description:** Lot 21, Block 1, NCB 6227

**Total Acreage:** 0.1607

**Notices Mailed**

**Owners of Property within 200 feet:** 23

**Registered Neighborhood Associations within 200 feet:** Mahncke Park Neighborhood Association

**Planning Team:** Mahncke Park Neighborhood Plan - 21

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property is located within the City Limits as recognized in 1938, and was originally zoned “B” Residence District. Upon adoption of the 2001 Unified Development Code (UDC), the previous base zoning district converted to the current “R-4” Residential Single-Family District. The property was platted into its current configuration in 1914 and was developed in 1925 as a 1,272-square foot single-family residence.

In February 2014, the Development Services Department (DSD) began issuing building permits allowing the conversion of the residential structure into a small food service establishment. Permits were issued based on a zoning map error which mistakenly labeled the subject property as “C-1” Light Commercial District. The map error originated when the neighboring property was rezoned in 1983.

DSD initiated a rezoning case (Z2014225 CD) to correct the map error. The rezoning request was unsuccessful. Council District 2 has worked with the neighborhood association and developer and is initiating this case for consideration.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North and East

**Current Base Zoning:** “R-4” and “RM-4”

**Current Land Uses:** Single-family residences and townhomes

**Direction:** South

**Current Base Zoning:** “C-2”

**Current Land Uses:** Vacant residences, salon, and office

**Direction:** West and Northwest

**Current Base Zoning:** “C-3NA”, “C-1”, and “C-2”

**Current Land Uses:** Bank, carwash, and retail centers

**Overlay and Special District Information:** The Mahncke Park Neighborhood Conservation District (NCD-6) is an overlay zoning district that contains design guidelines for rehabilitation of existing residential structures. Property owners, together with the Department of Planning and Community Development staff, develop the

design guidelines. These guidelines can address building materials, height, size, massing, signage, sidewalk location, etc. A zoning review is performed by the Zoning Section of the Development Services Department.

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:** Davis Court and Perry Court

**Existing Character:** Local streets, one lane in each direction with sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Broadway

**Existing Character:** Primary Arterial Type B; three lanes in each direction with center turn lanes and sidewalks

**Proposed Changes:** None known

**Thoroughfare:** East Hildebrand Avenue

**Existing Character:** Secondary Arterial Type B; two lanes in each direction with turn lanes and sidewalks

**Proposed Changes:** None known

**Public Transit:** The subject property's area is served by multiple public transit lines. Bus lines 9, 10, 14, 209, and 214 operate along Broadway, with a stop at the southeast corner of Davis Court. Additionally, the number 8 and 509 bus lines operate along East Hildebrand Avenue and North New Braunfels Avenue.

**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:** Off-street vehicle parking requirements are typically determined by the type of use and building size. The subject property's intended use is a coffee shop (food service establishment) including office space. The business owner has indicated that 700 square feet of the structure will be used as coffee shop space, with the remaining 500 square feet as office space. Although the restaurant and office space will be part of the same business and use, the areas are reviewed separately when determining the parking requirement.

The office and coffee shop use will both require at least 1 space per 300 square feet of Gross Floor Area (GFA). Therefore, the minimum required parking will be 5 parking spaces including one ADA-accessible space. An ADA-accessible space has been added in front of the structure. The business owner has indicated that additional spaces will be accommodated to the rear of the structure. The number of spaces that may fit on the property depends on the site design and development standards (angle of parking, width of drive aisles) included in Section 35-526 of the UDC.

Typically, conditional use requests require approval of and adherence to a site plan that would show the proposed parking configuration. However, City-initiated zoning cases are exempt from the site plan requirement.

### **ISSUE:**

None.

### **ALTERNATIVES:**

A denial of the zoning request will result in the subject property retaining the current residential zoning classification and the requested conditional use will be prohibited.

**FISCAL IMPACT:**

This zoning case was initiated by City Council; therefore, zoning fees have been waived through Resolution 2014-11-06-0039R.

**RECOMMENDATION:**

Staff and Zoning Commission (10-0) recommend approval with conditions.

**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 Mahncke Park Neighborhood Plan, and is currently designated as Urban Low Density Residential in the future land use component of the plan. The “R-4” base zoning district is consistent with the adopted land use designation.

The Mahncke Park Neighborhood Plan includes multiple goals and objectives that are applicable to this zoning change request. The plan supports commercial development along the Broadway corridor, but also promotes protection of the existing residential character of the side streets such as Davis Court. The plan encourages limited-impact transition between the commercial corridor and the residential neighborhood. Typically, the Conditional Use provision can be used as a transition between commercial and residential areas.

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

Staff finds the “R-4 CD” to be appropriate given that the subject property will continue to permit residential development. The Conditional Use will only permit the food service establishment. The application of a conditional use provides an opportunity to limit the impact of the proposed use on surrounding properties.

The area suffers from on-street, over-flow parking from the nearby commercial uses and university. Additionally, with few exceptions, on-street parking is prohibited along both sides of Davis Court between the hours of 7 a.m. and 6 p.m. However, staff does recognize that the area is well-served by public transit, as well as pedestrian and bicycle traffic from the adjacent university.

The applicant has attempted to mitigate concerns relating to inadequate parking by providing the required parking spaces for the proposed uses.

**3. Suitability as Presently Zoned:**

The current “R-4” base zoning district is appropriate for the subject property. However, for many years the property was mistakenly labeled as being zoned “C-1” on the City’s official zoning map. DSD issued building, electric, plumbing, and site work permits for the property prior to discovering the zoning map error.

The Mahncke Park Neighborhood Conservation District (“NCD-6”) does not include design standards for non-residential uses in structures originally designed for commercial use. However, structures within the district that were originally built for residential use, and then converted to commercial use shall be required to comply with NCD standards. Compliance with the NCD standards was reviewed for prior to the recent building permits being issued.

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

The conditional 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. The granting of conditional zoning shall not be for all of the uses permitted in a given district, but shall be only for the conditional use named in the ordinance approving the conditional zoning district.

Should the proposed food service establishment provide appropriate parking accommodations for their employees and customers, staff finds no likely impact on the health, safety and welfare of the community in relation to the proposed zoning change.

#### **5. Public Policy:**

The request does not appear to conflict with any public policy objective.

#### **6. Size of Tract:**

The subject property measures approximately 7,000 square feet in size (0.1607 of an acre) and is developed with a 1,272-square foot structure. The small size of the subject property should serve to limit the scale and impact of the proposed conditional use.

#### **7. Other Factors:**

In February 2014, the current property owner purchased the subject property with the understanding that the lot was zoned "C-1" and allowed small commercial uses. Between February and July, multiple permits and a Certificate of Occupancy were issued by DSD. While the permitted improvements were underway, a neighboring property owner inquired about the zoning history of the property and staff discovered the map error that originated with the neighboring property was rezoned in 1983.

Per Section 35-422 of the Unified Development Code, the following conditions apply to all conditional use requests in residential zoning districts unless altered by City Council:

- A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- B. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
- C. Business or office hours of operations shall not be permitted before 7:00 a.m. or after 6:00 p.m.

Staff recommends approval with the conditions listed above, as they will serve to minimize the impact of the proposed commercial use on the surrounding residences.

Further, UDC Section 35-514 requires nonresidential uses to construct and maintain a 6-foot tall, solid-screen fence where the property abuts an existing single-family residence, unless the provision is altered or waived by City Council in conjunction with a zoning change request. The required fence will be subject to any applicable NCD design standards.