



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-2398

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 3/21/2019

**Title:** ZONING CASE # Z-2019-10700004 CD (Council District 1): Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with Conditional Use for a Dance Hall on Lot 43, NCB 11880, located at 8123 Broadway Street. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Ordinance 2019-03-21-0247

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-2019-10700004 CD

**SUMMARY:**

**Current Zoning:** "I-1 AHOD" General Industrial Airport Hazard Overlay District

**Requested Zoning:** "C-2 CD AHOD" Commercial Airport Hazard Overlay District with Conditional Use for a Dance Hall

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** February 19, 2019

**Case Manager:** Marco Hinojosa, Planner

**Property Owner:** Kargl Industries, Inc.

**Applicant:** Russell Hicks

**Representative:** Russell Hicks

**Location:** 8123 Broadway

**Legal Description:** Lot 43, NCB 11880

**Total Acreage:** 1.5078

**Notices Mailed**

**Owners of Property within 200 feet:** 42

**Registered Neighborhood Associations within 200 feet:** Oak Park-Northwood

**Applicable Agencies:** Planning Department.

**Property Details**

**Property History:** The subject property was annexed into the city on September 25, 1952. The property was rezoned from "A" Residence District to "J" Commercial District by Ordinance 31006, dated January 2, 1963. The property converted from "J" Commercial District to the current "I-1" General Industrial District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

**Topography:** The subject property is not located within the 100-year flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "R-4", "O-2", and "C-2"

**Current Land Uses:** Professional Offices

**Direction:** East

**Current Base Zoning:** "I-1", "C-2", and "O-2"

**Current Land Uses:** Restaurant and Bar

**Direction:** South

**Current Base Zoning:** "R-5" and "C-2"

**Current Land Uses:** Professional Offices and Church

**Direction:** West

**Current Base Zoning:** "C-1" and "RM-4"

**Current Land Uses:** Office and Single-Family Residences

**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:** Broadway Street

**Existing Character:** Secondary Arterial Type B

**Proposed Changes:** None Known

**Public Transit:** VIA bus routes are within walking distance of the subject property. Routes served: 9, 209

**Traffic Impact:** A Traffic Impact Analysis (TIA) may be required.

**Parking Information:**

The minimum parking requirements for a dance hall is 1 space per 2 seats.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of "I-1". This district accommodates areas of heavy and concentrated fabrication, manufacturing and industrial uses which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. "I-1" must be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. These districts are located for convenient access for existing and future arterial thoroughfares and railway lines. These districts are in many instances separated from residential areas by business or light industry areas or by natural barriers; where they are adjacent to residential areas some type of artificial separation may be required.

**FISCAL IMPACT:**

None.

**Proximity to Regional Center/Premium Transit Corridor**

The subject property is located within the Greater Airport Area Regional Center and Half a Mile of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (9-0) 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 San Antonio International Airport Vicinity Land Use Plan and is currently designated as "Business Park" in the future land use component of the plan. The requested "C-2" base zoning is compatible with the future land use designation.

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

Staff has not found evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The requested "C-2" is a down-zoning from the current "I-1" base zoning district.

**3. Suitability as Presently Zoned:**

The current "I-1" General Industrial District is not an appropriate zoning for the property and surrounding area. The proposed "C-2" is a less intense commercial district which is more suitable adjacent to residential uses and districts. The addition of the "CD" allows consideration of a conditional use with any necessary conditions such as: hours of operation, downward facing lighting, fencing and/or additional buffers.

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

Staff has not found indication of likely adverse effects on the public health, safety, or welfare. The requested "C-2" will have less adverse effects on the public health, safety, and/or welfare than the current "I-1".

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

The proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the San Antonio International Airport Vicinity Land Use Plan.

- Goal I: Protect the quality of life of residents including health, safety and welfare
  - Objective 1.1 Protect integrity of exiting residential neighborhoods and prevent excessive noise pollution and other airport hazards
  - Objective 1.2 Discourage developments of incompatible uses in the airport environs and noise exposure contours
  - Objective 1.3 Enhance quality of the environment in existing neighborhoods that are impacted by airport noise

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

The subject property is 1.5078 acres, which would adequately support a dance hall.

### **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.