



# City of San Antonio

## Legislation Details (With Text)

**File #:** 13-625

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 10/17/2013

**Title:** ZONING CASE # Z2013189 CD (District 5): An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Professional Office allowing a fence up to six (6) feet in height along the front yard in accordance with Section 35-514 (d)(2)(D) of the Unified Development Code on 0.0886 acres out of Lot 4, Block C, NCB 2875 located at 306 Forrest Avenue. Staff and Zoning Commission recommend approval with conditions.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2013-189, 2. Z2013189 CD\_Site Plan, 3. Z2013189 CD, 4. Draft Ordinance, 5. Ordinance 2013-10-17-0732

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

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 5

**SUBJECT:**  
Zoning Case Z2013189 CD

**SUMMARY:**  
**Current Zoning:** "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Professional Office

**BACKGROUND INFORMATION:**  
**Zoning Commission Hearing Date:** September 17, 2013

**Case Manager:** Osniel Leon, Planner

**Property Owner:** Eric Martinez

**Applicant:** Eric Martinez

**Representative:** Gracie Martinez

**Location:** 306 Forrest Avenue

**Legal Description:** 0.0886 acres out of Lot 4, Block C, NCB 2875

**Total Acreage:** 0.0886

**Notices Mailed**

**Owners of Property within 200 feet:** 18

**Neighborhood Associations:** Collins Garden (within 200 feet)

**Planning Team Members:** 15 - South Central San Antonio Community Plan

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property is located within the city limits as established in 1938 and was originally zoned "C" Apartment District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to "MF-33" Multi-Family District. In a 2006 city-initiated case, the property was rezoned to the current "R-6" Residential Single-Family District.

According to Bexar County District, the property is currently developed with a residential structure measuring approximately 860 square feet, built in 1971. The property is not platted in its current configuration.

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

**Adjacent Zoning and Land Uses**

**Direction:** North and West

**Current Base Zoning:** "R-6", "I-1"

**Current Land Uses:** Thrift store, single-family residences, vacant property and retail center

**Direction:** South

**Current Base Zoning:** None

**Current Land Uses:** Apache Creek

**Direction:** East

**Current Base Zoning:** "R-5 CD", "R-6"

**Current Land Uses:** Single-family residences, vacant property

**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:** Forrest Avenue

**Existing Character:** Local Street; one way in each direction with no sidewalk

**Proposed Changes:** None Known

**Thoroughfare:** Halstead Street

**Existing Character:** Local Street; one way in each direction with partial sidewalks

**Proposed Changes:** None Known

**Public Transit:** VIA bus lines 51, 54 and 251 operate along Nogalitos Street, north of the subject property.

**Traffic Impact:** A Traffic Impact Analysis 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 and size of use.

Professional Office - Minimum Parking Requirement: 1 space per 300 square feet of Gross Floor Area (GFA).  
Maximum Parking Requirement: 1 space per 140 square feet of GFA.

The Conditional Use site plan shows 3 parking spaces, including one ADA-accessible space.

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the zoning request will result in the subject property retaining the existing residential single-family designation.

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**RECOMMENDATION:**

Staff and Zoning Commission (6-0) 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 property is located within the South Central San Antonio Community Plan, and is currently designated as “Low Density Residential” in the Future Land Use Plan. The requested “R-6” base zoning district is consistent with the Future Land Use designation.

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

Staff finds the conditional use to be appropriate. The requested conditional use will allow the existing residence to be used as a professional office, which is in character with the surrounding neighborhood. The area includes a mix of small office and retail uses, often on a property with an existing single-family home. The conditional use request will limit the scale and intensity of the proposed office use.

**3. Suitability as Presently Zoned:**

The existing “R-6” zoning district is consistent with the adopted land use designation and is appropriate for the subject property. The zoning request does not include a change to the base zoning district and residential uses will continue to be permitted on the property.

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

Staff has found no indication of a likely negative influence on public health, safety or welfare in relation to this zoning change request. Use of the subject property for the proposed professional office will require a 6-foot tall solid screen fence be maintained where the subject property abuts existing single-family residential uses.

**5. Public Policy:**

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

**6. Size of Tract:**

The subject property is 0.0886 of an acre in size, which should be able to reasonably accommodate the proposed professional office and required parking, as shown on the conditional use site plan.

**7. Other Factors:**

Per Section 35-422 of the Unified Development Code, the following conditions apply to all conditional use requests in residential zoning districts, unless otherwise approved by the 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 hours of operation shall not be permitted before 7:00 a.m. or after 6:00 p.m.

The subject property has an existing 6-foot tall wrought iron fence in the front yard. The UDC limits the height of front yard fences to 3 feet for solid fences and 4 feet for predominantly open fences. In accordance with Section 35-514(d)(2)D, City Council may approve additional fence height in conjunction with a rezoning request. The applicant requests approval of additional fence height so the 6-foot, predominantly open front yard fence may be maintained.