



# City of San Antonio

## Legislation Details (With Text)

**File #:** 13-1303

**Type:** Zoning Case

**In control:** City Council A Session

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

**Title:** ZONING CASE # Z2014035 (District 1): An Ordinance amending the Zoning District Boundary from "C-3R H HS AHOD" Historic Significant General Commercial Restrictive Alcoholic Sales Lavaca Historic Airport Hazard Overlay District to "C-2 IDZ H HS AHOD" Historic Significant Commercial Infill Development Zone Lavaca Historic Airport Hazard Overlay District on Lot A-47 and the south 12 feet of Lot A-44, NCB 903 located at 709 South Alamo Street. Staff and Zoning Commission recommend approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2014-035, 2. Z2014035, 3. Draft Ordinance, 4. Ordinance 2014-01-16-0028

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 1

**SUBJECT:**

Zoning Case Z2014035

**SUMMARY:**

**Current Zoning:** "C-3R H HS AHOD" Historic Significant General Commercial Restrictive Alcoholic Sales Lavaca Historic Airport Hazard Overlay District

**Requested Zoning:** "C-2 IDZ H HS AHOD" Historic Significant Commercial Infill Development Zone Lavaca Historic Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 03, 2013

**Case Manager:** Ernest Brown, Planner

**Property Owner:** National Trust for Historic Preservation (by Jane Lewis, Director)

**Applicant:** Rene Fernandez

**Representative:** Russell D. Felan

**Location:** 709 South Alamo Street

**Legal Description:** Lot A-47 and the south 12 feet of Lot A-44, NCB 903

**Total Acreage:** 0.0867

**Notices Mailed**

**Owners of Property within 200 feet:** 29

**Registered Neighborhood Associations within 200 feet:** Lavaca Neighborhood Association

**Planning Team:** 12 - Lavaca Neighborhood Plan

**Applicable Agencies:** Office of Historic Preservation

**Property Details**

**Property History:** The subject property is located within the city limits as recognized in 1938, and was originally zoned under the 1938 zoning code. In a 1991 case, the property was rezoned to “B-3R” Restrictive Business District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current “C-3R” General Commercial Restrictive Alcoholic Sales District. The property was developed in 1945 with the construction of a 1,748-square foot retail building. The property is not platted in its current configuration.

**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:** North, West and South

**Current Base Zoning:** “C-3R” and “C-3”

**Current Land Uses:** Vacant Commercial Structures, Parking, Restaurants, Offices, Banquet Hall, Hotel, Auto Rental and a Retail Center

**Direction:** East

**Current Base Zoning:** “O-2”

**Current Land Uses:** Offices and Parking

**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.

The surrounding properties are located in the Lavaca Historic District, which was adopted in 2001. Historic districts do not regulate use of the property, but do enforce building exterior design standards meant to maintain the architectural character or cultural significance of the designated area. Building plans and permit applications will be subject to review by the Office of Historic Preservation and the Historic and Design Review Commission (HDRC) prior to any permits being issued.

The subject property and a number of surrounding properties carry the “HS” Historic Significant landmark designation, signifying the historic architectural character or cultural significance of the structure or location. Historic Landmark designations do not affect the possible uses of the property, but do regulate the exterior aesthetic of the structure.

**Transportation**

**Thoroughfare:** South Alamo Street

**Existing Character:** Secondary Arterial Type B; One lane in each direction with bike lanes, on-street parking lanes and sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Barrera, Refugio Street and South Presa Street

**Existing Character:** Local Streets; one lane in each direction with sidewalks

**Proposed Changes:** None known

**Public Transit:** The nearest VIA bus lines are the 32, 36, and 232, which operate along South Alamo Street, with a bus stop immediately adjacent to the subject property.

**Traffic Impact:** The Infill Development Zoning District (IDZ) is exempt from the Traffic Impact Analysis (TIA) requirements.

**Parking Information:** The rezoning application refers to a proposed restaurant use, which requires a minimum of 1 parking space per 100 square feet of Gross Floor Area (GFA) and a maximum of 1 space per 40 square feet of GFA.

The “IDZ” district waives off-street vehicle parking requirements.

**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-3 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 property is located within the Lavaca Neighborhood Plan and is currently designated as Mixed Use in the future land use component of the plan. The requested “C-2” base zoning district is consistent with the adopted land use designation.

**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. The subject property is located in an area with a mix of commercial and residential uses, with significant access to public transportation.

**3. Suitability as Presently Zoned:**

The existing zoning is not appropriate for the subject property. The “C-3” commercial district is meant to accommodate regional land uses that are not suitable for the subject property. The existing zoning is not consistent with the Lavaca Neighborhood Plan.

The requested base zoning district change is meant to allow the sale of alcohol for on-premise consumption in conjunction with food sales. The request to add the “IDZ” overlay district is meant to waive the off-street parking requirements for the small parcel.

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

Staff has found no evidence of negative impacts on the public health, safety or welfare in relation to this zoning change request. Although the “IDZ” overlay waives off-street parking requirements, the property is located in an area well-served by public transit. Pedestrian-friendly, walk-able development is encouraged in the Lavaca area.

**5. Public Policy:**

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

**6. Size of Tract:**

The subject property measures 0.0867 of an acre in size and appears to be of sufficient size to accommodate the proposed uses with the flexibility offered by the “IDZ” district.

**7. Other Factors:**

None.