



# City of San Antonio

## Legislation Details (With Text)

**File #:** 13-1050

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 12/5/2013

**Title:** ZONING CASE #Z2014008 (District 7): An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "RM-5 AHOD" Residential Mixed Airport Hazard Overlay District on Lot 11, Block 44, NCB 9604 located at 2459 Cincinnati Avenue. Staff and Zoning Commission recommend approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2014008, 2. Location Map, 3. Ordinance 2013-12-05-0887

Date	Ver.	Action By	Action	Result
12/5/2013	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 7

**SUBJECT:**

Zoning Case Z2014008

**SUMMARY:**

**Current Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** "RM-5 AHOD" Residential Mixed Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 5, 2013

**Case Manager:** Krystin Ramirez, Planning Technician

**Property Owner:** John David Duque and Gabriela Balbontin

**Applicant:** John David Duque

**Representative:** John David Duque

**Location:** 2459 Cincinnati Avenue

**Legal Description:** Lot 11, Block 44, NCB 9604

**Total Acreage:** 0.2011

**Notices Mailed**

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

**Neighborhood Associations:** University Park

**Planning Team Members:** 35 - West/Southwest Sector Plan

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property was annexed in 1948 and was originally zoned “B” Residence District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current “R-4” Residential Single-Family District. The property is currently developed as a duplex, built in 1948 and measuring approximately 1,472 square feet in size. Additionally, the property contains a detached garage apartment measuring approximately 480 square feet in size.

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

**Adjacent Zoning and Land Uses**

**Direction:** All

**Current Base Zoning:** “R-4”

**Current Land Uses:** Single-family residences, duplexes and triplexes

**Transportation**

**Thoroughfare:** Cincinnati Avenue and Stone Gate Drive

**Existing Character:** Local Streets; one lane in each direction with a bike lane in each direction and a sidewalk

**Proposed Changes:** None known

**Public Transit:** VIA bus line 89 operates along Cincinnati Avenue with a stop immediately adjacent to the subject property. VIA bus line 524 operates along St. Cloud and General McMullen Drive to the east.

**Traffic Impact:** A Traffic Impact Analysis (TIA) report is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

**Parking Information:** Dwelling: 3 family - Minimum vehicle spaces: 1.5 per unit; Maximum vehicle spaces: 2 per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

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

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**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 property is located within the West/Southwest Sector Plan and is currently designated as General Urban Tier in the future land use component of the plan. The requested “RM-5” base zoning district is consistent with the adopted land use designation. The General Urban Tier allows a range of medium to high density uses, such as multi-family developments, including apartment, quadplexes, triplexes, duplexes and townhomes (condominiums).

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

Staff finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The neighboring properties along Cincinnati Avenue are developed as duplexes.

**3. Suitability as Presently Zoned:**

The “R-4” base zoning district may be appropriate for the subject property; however, the property and surrounding residences were originally built as duplexes in the late 1940s. Approval of the requested zoning change would bring the existing 3 dwelling units into compliance. The property is not eligible for nonconforming use registration because the current property owner cannot prove continuous use of the 3 separate dwellings as they never had individual utility meters. The subject property owner is seeking individual utility meters for each unit. The third dwelling on the subject property likely met the definition of an accessory dwelling; but accessory dwelling are not permitted to have separate utility meters.

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

Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

**5. Public Policy:**

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

**6. Size of Tract:**

The subject property is 0.2011 acres in size, which reasonably accommodates the existing three dwelling units and the required parking.

**7. Other Factors:**

The existing use is permitted by-right in the “RM-5” district, which would limit the property to a maximum of 3 dwelling units.