



# City of San Antonio

## Agenda Memorandum

**File Number:** 13-1138

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**Agenda Item Number:** 6.

**Agenda Date:** 12/19/2013

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 3

**SUBJECT:**

Zoning Case Z2014022

**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 19, 2013

**Case Manager:** Tony Felts, Planner

**Property Owner:** Aftab Halai Hussain

**Applicant:** Aftab Halai Hussain

**Representative:** Aftab Halai Hussain

**Location:** 1336 Rigsby Avenue

**Legal Description:** Lots 18 and 19, Block 1, NCB 3176

**Total Acreage:** 0.1343

**Notices Mailed**

**Owners of Property within 200 feet:** 24

**Registered Neighborhood Associations within 200 feet:** None

**Planning Team:** None

**Applicable Agencies:** None

## **Property Details**

**Property History:** The subject property is located within the City Limits as they were recognized in 1938, 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 occupied by an approximately 2,067 square-foot, vacant, three-unit residential structure. The structure was built, according to BCAD records, in 1923. The property consists of two platted lots that were platted into the current configuration in 1907.

**Topography:** The 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

**Current Base Zoning:** “R-4” and “MF-25”

**Current Land Uses:** Apartments

**Direction:** West

**Current Base Zoning:** “C-2”, “R-4”

**Current Land Uses:** Convenience Store and Single-Family Residences

**Direction:** South and East

**Current Base Zoning:** “R-4”

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

**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:** Rigsby Avenue

**Existing Character:** Local Street; two lanes in each direction, with sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Hallie Avenue

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

**Proposed Changes:** None known

**Public Transit:** VIA lines 30 and 230 operate along Rigsby Avenue, with multiple stops near the subject property.

**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:** The application refers to an existing triplex structure. Off-street vehicle parking requirements for housing are typically determined by the number of units. Three-family dwellings require a minimum of 1.5 spaces per unit and a maximum of 2 spaces per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the existing “R-4” Residential Single-Family base zoning district, and the use of the property as currently developed would be prohibited.

**FISCAL IMPACT:**

None. The zoning request is eligible for the Inner City Reinvestment Infill Policy fee waiver. The Development Services Department fees will be reimbursed through grant funding.

**RECOMMENDATION:**

Staff and Zoning Commission (10-0) 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 not located within an adopted future land use plan. The immediate vicinity consists of a mix of various uses and zoning districts, including multi-family residential, commercial, and single-family residential.

**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. Given the absence of an adopted future land use plan, and the site’s existing development, a mixed residential zoning district is appropriate for the tract.

**3. Suitability as Presently Zoned:**

Although the existing zoning, given the surrounding land uses, could be considered appropriate for the site, the subject property has been developed as a triplex for 90 years. The existing use is not eligible for registration as a Legal Nonconforming Use because the units have been vacated for more than 12 months at a time.

**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 0.1343 acres in size. The size of the tract is sufficient for the use as a triplex and the required parking.

**7. Other Factors:**

The “RM-5” district allows a maximum of three dwelling units on a single lot. The subject property is currently developed with three dwelling units and five parking spaces. Staff is supportive of rezoning the property to a zoning district that accommodates the existing use.