



# City of San Antonio

## Agenda Memorandum

**File Number:** 14-1926

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**Agenda Item Number:** Z-2.

**Agenda Date:** 9/18/2014

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 2

**SUBJECT:**

Zoning Case Z2014210 CD

**SUMMARY:**

**Current Zoning:** "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District

**Requested Zoning:** "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for Caterers and Catering Shop (No On-Premises Food Services) on Lot 15, Block A, NCB 632 and "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Parking Lot - Noncommercial on Lot 16, Block A, NCB 632

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 19, 2014

**Case Manager:** Pedro Vega, Planner

**Property Owner:** Tony C. Gradney and Mary Anguiano

**Applicant:** Tony C. Gradney

**Representative:** Tony C. Gradney

**Location:** 217 and 223 Cactus Street

**Legal Description:** Lots 15 and 16, Block A, NCB 632

**Total Acreage:** 0.1969

**Notices Mailed**

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

**Registered Neighborhood Associations within 200 feet:** Denver Heights Neighborhood Association; the Alamodome Gardens Neighborhood Association is located within 200 feet.

**Planning Team Members:** Downtown Neighborhood Plan - 66

**Applicable Agencies:** None

### **Property Details**

**Property History:** The subject properties, located on the west side of Cactus Street between Martin Luther King Drive and Nevada, are 0.1969 of an acre in size. The properties are located within the city limits as recognized in 1938 and were originally zoned "C" Apartment District. In a 1991 City-initiated case, the properties were rezoned to "R-2" Two Family Residence District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "RM-4" Residential Mixed District. The subject properties are platted as two separate lots.

One of the lots is developed with a nonresidential two story building measuring approximately 3,906 square feet that was constructed in the 1940's and is currently vacant. The other lot is undeveloped.

**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:** West

**Current Base Zoning:** "RM-4"

**Current Land Uses:** Single-Family Dwelling, Vacant Land and Church

**Direction:** North, East, and South

**Current Base Zoning:** "RM-4"

**Current Land Uses:** Single-Family Dwellings and Vacant Lots

**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:** Martin Luther King Drive

**Existing Character:** Secondary Arterial Type B; two lanes in each direction without sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Cactus Street

**Existing Character:** Local Street; one lane in each direction with no sidewalks

**Proposed Changes:** None known

**Public Transit:** The nearest VIA bus line is the 28, which operates west of the subject property along South Hackberry Street.

**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 rezoning application refers to a proposed catering business and a noncommercial parking lot.

Catering Shop - Minimum Parking Requirement: one parking space per 300 square feet of Gross Floor Area (GFA). Maximum Parking Requirement: one parking space per 200 square feet of Gross Floor Area (GFA).

The conditional use site plan indicates a 4,666 square foot structure, which will require at least 15 parking spaces if the entire structure is to be used for the catering business. The proposed parking lot includes only 9 parking spaces. If the zoning change request is approved, a variance from the minimum parking requirement will be needed before a Certificate of Occupancy may be issued for the proposed business.

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the current residential mixed zoning, restricting future land uses to those permissible in the “RM-4” zoning district.

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**RECOMMENDATION:**

Staff and Zoning Commission (10-0) 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 subject property is located within the Downtown Neighborhood Plan, and is identified as Residential in the future land use component of the plan. The requested "R-6" base zoning district is consistent with the adopted land use designation.

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

Staff is concerned about the possibility of adverse impacts on the neighboring properties. However, if appropriate protective measures are taken to mitigate the impact on the surrounding residences, the proposed redevelopment of under-utilized properties may be a benefit to the area. Providing adequate parking, limiting lighting and signage, as well as maintaining a solid-screen fence and landscaping can serve to protect neighboring lands.

**3. Suitability as Presently Zoned:**

The existing “RM-4” zoning district is not consistent with the adopted land use designation, but is consistent with the surrounding neighborhood. The request for “R-6 CD” will allow reuse of the existing nonresidential structure while also allowing single-family residential uses.

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

The conditional zoning procedure is designed to provide for a land use within an area 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. The granting of conditional zoning shall only be for the conditional use named in the ordinance approving the conditional zoning district.

**5. Public Policy:**

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

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

The subject properties total 0.1969 of an acre in size. The small size of the properties and the limited amount of parking should serve to limit the overall scale of the proposed use and its impact on the surrounding neighborhood.

## **7. Other Factors:**

The subject property consists of a vacant two story building that was previously used as a Day Care Center for many years. The proposed zoning request would be appropriate at this location and beneficial reuse of the existing vacant building. The zoning request would also help in preserving and enhancing the property.

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

In addition to the conditions listed above, staff recommends the follow conditions:

- 1. All on-site lighting shall be directed onto the site and point away from any residential zoning or uses.
- 2. The noncommercial parking lot shall be provided with a gate or other sufficient barrier against vehicle entry during the hours the facility served is closed;
- 3. No advertising signs shall be permitted on the parking lot other than signs indicating the owner or lessee of the lot and to provide parking instructions.