



# City of San Antonio

## Legislation Details (With Text)

**File #:** 14-855  
**Type:** Zoning Case  
**In control:** City Council A Session  
**On agenda:** 5/1/2014  
**Title:** ZONING CASE # Z2014105 (District 1): An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District to "MF-33 AHOD" Multi-Family Airport Hazard Overlay District on Lots 29 and 30, NCB 12025 located at 202 Birchleaf. Staff and Zoning Commission recommend approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2014-105.pdf, 2. Z2014105.pdf, 3. Draft Ordinance, 4. Ordinance 2014-05-01-0294

Date	Ver.	Action By	Action	Result
5/1/2014	1	City Council A Session	Motion to Approve	

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**SUBJECT:**

Zoning Case Z2014105

**SUMMARY:**

**Current Zoning:** "C-3 AHOD" General Commercial Airport Hazard Overlay District

**Requested Zoning:** "MF-33 AHOD" Multi-Family Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** April 1, 2014

**Case Manager:** Trenton Robertson, Planner

**Property Owner:** Linden Tara, LLC

**Applicant:** Linden Tara, LLC

**Representative:** Langley and Banack, Inc. (Paul Fletcher)

**Location:** 202 Birchleaf

**Legal Description:** Lots 29 and 30, NCB 12025

**Total Acreage:** 1.6014

**Notices Mailed**

**Owners of Property within 200 feet:** 15

**Registered Neighborhood Associations within 200 feet:** Shearer Hills/Ridgeview Neighborhood Association

**Planning Team:** North Central Neighborhoods Community Plan - 46

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property was annexed in 1952 and was originally zoned "H" Local Retail District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "C-3" General Commercial District. The property consists of two platted lots that were platted into their current configuration in 1962 (volume 4700, page 10 of the Deed and Plat Records of Bexar County, Texas). The subject property is developed as an apartment complex that was built in 1960.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North, West and South

**Current Base Zoning:** "C-3"

**Current Land Uses:** Apartments, retail center, parking lot, restaurant, condominiums and gas station

**Direction:** East

**Current Base Zoning:** "C-3" and "R-5"

**Current Land Uses:** Auto repair, dry cleaners, retail center and 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:** Birchleaf, Senova Drive and East Rampart

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

**Proposed Changes:** None known

**Thoroughfare:** McCullough Avenue

**Existing Character:** Secondary Arterial Type B 70'-86'; two lanes in each direction with partial sidewalks

**Proposed Changes:** None known

**Public Transit:** VIA bus lines 5 and 204 operate along McCullough Avenue, with multiple stops east of the subject property.

**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:** The off-street vehicle parking requirements for multi-family residential uses are

determined by the total number of dwelling units.

Multi-Family Dwellings - Minimum requirement: 1.5 spaces per unit; Maximum allowance: 2 spaces per unit

**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 North Central Neighborhoods Community Plan and is currently designated as Mixed Use in the future land use component of the plan. The requested “MF-33” 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 the proposed zoning change. The area is fully developed and includes many apartment complexes. The existing apartments are legally nonconforming and the rezoning request is meant to bring the complex into compliance while also allowing possible future expansion and/or reconstruction.

**3. Suitability as Presently Zoned:**

The existing “C-3” zoning district is not consistent with the adopted land use designation. However, McCullough Avenue is an established commercial corridor and the subject property is part of a larger commercial and multi-family development node.

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

**6. Size of Tract:**

The subject property is 1.6014 of an acre in size, which should be able to reasonably accommodate the uses permitted in the “MF-33” district and required parking.

**7. Other Factors:**

None.