



# City of San Antonio

## Legislation Details (With Text)

**File #:** 14-2487

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 11/6/2014

**Title:** ZONING CASE # Z2014230 CD (District 1): An Ordinance amending the Zoning District Boundary from "RM-4 NCD-5 AHOD" Residential Mixed Beacon Hill Neighborhood Conservation Airport Hazard Overlay District to "RM-4 CD NCD-5 AHOD" Residential Mixed Beacon Hill Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for an Art Gallery on the south 44 feet of Lots 5 & 6, Block 48, NCB 1872 located at 115 Michigan Avenue. Staff and Zoning Commission recommend approval pending the plan amendment. (Associated Plan Amendment Case 14005) (Continued from October 2, 2014)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Zoning Commission Minutes, 3. Site Plan, 4. DRAFT ORDINANCE, 5. Ordinance 2014-11-06-0868

Date	Ver.	Action By	Action	Result
11/6/2014	1	City Council A Session	Motion to Approve	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**SUBJECT:**

Zoning Case Z2014230 CD

**SUMMARY:**

**Current Zoning:** "RM-4 NCD-5 AHOD" Residential Mixed Beacon Hill Neighborhood Conservation Airport Hazard Overlay District

**Requested Zoning:** "RM-4 CD NCD-5 AHOD" Residential Mixed Beacon Hill Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for an Art Gallery

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 02, 2014

**Case Manager:** Krystin Ramirez, Planner

**Property Owner:** Jeffrey Dersh

**Applicant:** Celeste Wackenhut

**Representative:** Kaufman & Killen

**Location:** 115 Michigan Avenue

**Legal Description:** The south 44 feet of Lots 5 & 6, Block 48, NCB 1872

**Total Acreage:** 0.1722

**Notices Mailed**

**Owners of Property within 200 feet:** 23

**Registered Neighborhood Associations within 200 feet:** Beacon Hill Neighborhood Association

**Planning Team:** Midtown Neighborhoods Plan (11)

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property is located within the original city limits as established in 1938, and was originally zoned “D” Apartment District. In a 1997 case, the property was 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 property is not platted in its current configuration, but is developed with a commercial structure measuring approximately 2,200 square feet in size that was built in 1945. The existing structure covers the entire lot.

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

**Adjacent Zoning and Land Uses**

**Direction:** North and West

**Current Base Zoning:** “RM-4”, “R-6” and “C-3NA”

**Current Land Uses:** Apartments, single-family residence, auto glass repair, snack shop and a duplex

**Direction:** East

**Current Base Zoning:** “R-6 and “C-3NA”

**Current Land Uses:** Apartments, single-family residences and retail center

**Direction:** South

**Current Base Zoning:** “C-3NA”

**Current Land Uses:** Church

**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 Beacon Hill Area Neighborhood Conservation District (NCD-5) is an overlay zoning district that contains design guidelines for rehabilitation of existing residential and commercial development. Property owners, together with the Department of Planning Community Development staff, develop the design guidelines. These guidelines can address building materials, height, size, massing, signage, sidewalk location, etc. A Certificate of Compliance review is performed by the Zoning Section of the Development Services Department.

### **Transportation**

**Thoroughfare:** Fredericksburg Road

**Existing Character:** Secondary Arterial Type B; two lanes in each direction with sidewalks

**Proposed Changes:** None known

**Thoroughfare:** West Russell Place and West French Place

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

**Proposed Changes:** None known

**Public Transit:** The nearest VIA bus lines are the 95, 96, 97, 289, and 296 which operate along Fredericksburg Road.

**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:** Off-street vehicle parking requirements are determined by type of use and building size. The zoning application refers to a proposed art gallery.

Retail - Art Gallery: Minimum Parking Requirement: 1 space per 300 square feet Gross Floor Area (GFA); Maximum Parking Requirement: 1 space per square feet GFA.

As the existing structure encompasses the entire area of the subject property, no parking is available on-site. A cooperative parking agreement or a parking adjustment from the Board of Adjustment will be required prior to the issuance of a Certificate of Occupancy.

### **ISSUE:**

None.

### **ALTERNATIVES:**

A denial of the zoning request will result in the subject property retaining the existing “RM-4” zoning designation prohibiting the proposed art gallery.

### **FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

### **RECOMMENDATION:**

Staff and Zoning Commission (8-1) recommend approval pending the plan amendment.

**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 Midtown Neighborhoods Plan and is currently designated as Mixed Use and Low Density Residential in the future land use component of the plan. The requested “RM-4” base zoning district is consistent with Mixed Use land use designation, but is not consistent with the Low Density Residential designation. A master plan amendment has been submitted, requesting to change the future land use designation to Mixed Use, which encourages neighborhood commercial development and residential uses, concurrently, with residential uses established on the second story of the structure. Staff and Planning Commission recommend approval of the plan amendment request.

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

Staff finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request.

**3. Suitability as Presently Zoned:**

The current “RM-4” base zoning district is appropriate for the subject property’s location at the periphery of a single-family residential neighborhood. The proposed conditional use will provide a suitable low-intensity mixed-use transition between the commercial uses along Fredericksburg Road to the west and the residences to the east.

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

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

**5. Public Policy:**

Should the plan amendment request be approved, the rezoning request does not appear to conflict with any public policy objective.

**6. Size of Tract:**

The subject property totals 0.0505 of an acre in size, which should reasonably accommodate the uses permitted in “RM-4” as well as the proposed art gallery.

**7. Other Factors:**

None.