



City of San Antonio

Legislation Details (With Text)

File #: 15-1517

Type: Zoning Case

In control: City Council A Session

On agenda: 3/5/2015

Title: ZONING CASE # Z2015005 CD (District 5): An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for Caterers and Catering Shop (No On-Premises Food Services) allowing a fence up to eight (8) feet in height along the front, side and rear yards of the subject property in accordance with Section 35-514 (d)(2)(D) of the Unified Development Code on 0.53 acres out of Lot 1, Block H, NCB 6021 located at 400 Elvira Street. Staff and Zoning Commission recommend approval.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Z2015-005_Location Map, 2. Z2015005 CD_Zoning Commission Minutes, 3. Z2015005 CD_Site Plan, 4. 15-1517 Z2015005 CD DRAFT ORDINANCE, 5. Ordinance 2015-03-05-0175

Date	Ver.	Action By	Action	Result
3/5/2015	1	City Council A Session	Motion to Approve	Pass

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICTS IMPACTED: Council District 5

SUBJECT:
Zoning Case Z2015005 CD

SUMMARY:

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

Requested Zoning: "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for Caterers and Catering Shop (No On-Premises Food Services)

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: February 3, 2015

Case Manager: Brenda V. Martinez

Property Owner: Rosario R. Carillo

Applicant: Rosario R. Carillo

Representative: Jose M. Cueva

Location: 400 Elvira Street

Legal Description: 0.53 acres out of Lot 1, Block H, NCB 6021

Total Acreage: 0.53

Notices Mailed

Owners of Property within 200 feet: 43

Registered Neighborhood Associations within 200 feet: Avenida Guadalupe Association

Planning Team: Guadalupe Westside Community Plan - 22

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 under the 1938 zoning code. In a 1992 large area case, the subject property was rezoned to "R-7" Small Lot Residence District. Upon adoption of the 2001 Unified Development Code (UDC), the previous base zoning district converted to the current "R-4" Residential Single-Family District. The subject property is currently developed with a structure measuring approximately 400 square feet.

The applicant is requesting a zoning change in order to allow food preparation at the site. The applicant intends to prepare BBQ at the site and then load his food truck and sell the product elsewhere.

Topography: The 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 East

Current Base Zoning: "R-4"

Current Land Uses: Vacant Land, Single-Family Residences and Outside Storage

Direction: South

Current Base Zoning: "C-3NA"

Current Land Uses: Barber Shop

Direction: East

Current Base Zoning: "C-3NA"

Current Land Uses: Barber Shop

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: Elvira Street

Existing Character: Local Street; 1 lane in each direction

Proposed Changes: None known

Thoroughfare: South Nueces

Existing Character: Local Street; 1 lane in each direction

Proposed Changes: None known

Thoroughfare: Guadalupe Street

Existing Character: Secondary Arterial Type B Street; 2 lanes in each direction

Proposed Changes: None known

Public Transit: The nearest VIA bus lines are the number 68 line and the 268 line, which operate along Guadalupe Street and South Sabinas.

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: Catering Shop - Minimum Parking Requirement: 1 per 300 square feet GFA.
Maximum Parking Requirement: 1 per 200 square feet GFA.

ISSUE:

None.

ALTERNATIVES:

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

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 (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 subject property is located within the Guadalupe Westside Community Plan area, and is identified as Low Density Mixed Use in the Future Land Use component of the Plan. The requested base zoning district is consistent with the adopted land use designation.

2. Adverse Impacts on Neighboring Lands:

Staff finds the “R-4 CD” to be appropriate given that the subject property will continue to permit residential development. The Conditional Use will only permit the catering use. The application of a conditional use provides an opportunity to limit the impact of the proposed use on surrounding properties.

3. Suitability as Presently Zoned:

Both the existing and requested zoning districts are appropriate for the subject property. Staff believes the proposed use will be compatible with the surrounding land uses and overall character of the community.

4. Health, Safety and Welfare:

Staff has found no indication of a likely negative influence on public health, safety or welfare in relation to this zoning change request.

5. Public Policy:

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

6. Size of Tract:

The subject property is 0.530 of an acre in size, which should be able to reasonably accommodate the proposed use.

7. Other Factors:

Per Section 35-422 of the Unified Development Code, the following condition applies to all conditional use requests in residential zoning districts:

- 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 hours of operation for the general public shall not be permitted before 7:00 a.m. or after 6:00 p.m.

The applicant requests an 8-foot fence along the front, side and rear yards of the subject property. According to Section 35-514 (d)(2)(D) “additional fence height is permitted by the City Council pursuant to a rezoning or Specific Use Authorization.”