



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-5399

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 10/3/2017

**Title:** ZONING CASE # Z2017268 (Council District 2): A request for a change in zoning from "C-3R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on Lot 28, NCB 3895, located at 103 Denver Boulevard. Staff recommends Approval, pending Plan Amendment. (Associated Plan Amendment 17082)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2017268  
(Associated Plan Amendment 17082)

**SUMMARY:**

**Current Zoning:** "C-3R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District

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

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 3, 2017

**Case Manager:** Kayla Leal, Planner

**Property Owner:** 141 Danube, LLC

**Applicant:** Raul Ortiz

**Representative:** Maricruz Cardenas

**Location:** 103 Denver Boulevard

**Legal Description:** Lot 28, NCB 3895

**Total Acreage:** 0.1301

**Notices Mailed**

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

**Registered Neighborhood Associations within 200 feet:** Denver Heights Neighborhood Association

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property was included in the 1938 Original City Limits of San Antonio and zoned "J" Commercial District. The zoning was changed to "B-3R" Restrictive Business District, established by Ordinance 79329, dated December 16, 1993. This converted into the current "C-3R" General Commercial Restrictive Alcoholic Sales District upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001).

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** RM-4

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

**Direction:** East

**Current Base Zoning:** C-3R, C-2NA

**Current Land Uses:** Vacant Lot, Retail

**Direction:** South

**Current Base Zoning:** C-3NA, RM-4

**Current Land Uses:** Thrift Store, Single-Family Residential

**Direction:** West

**Current Base Zoning:** IDZ

**Current Land Uses:** Vacant Buildings and 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:** Denver Boulevard

**Existing Character:** Minor

**Proposed Changes:** None known

**Thoroughfare:** South Cherry Street

**Existing Character:** Collector

**Proposed Changes:** None known

**Public Transit:** There is a bus stop (Stop #34899) directly in front of the property on Denver Boulevard along Bus Route 32. There are two (2) other bus routes (Routes 28 and 30) which run along South Hackberry Street nearby east of the 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:** A Bar with Alcohol requires a minimum of one (1) parking space per 100 square-feet of the Gross Floor Area (GFA) and allows up to a maximum of one (1) parking space per 75 square-feet of the GFA.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation.

C-3R districts are identical to C-3 districts except that the sale of alcoholic beverages for on-premises consumption is prohibited.

**FISCAL IMPACT:**

None.

**PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

The property is not located within a Regional Center.

The property is not located within a half (½)-mile from a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval, pending 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 Arena District/Eastside Community Plan and is currently designated as “Medium Density Residential” in the land use component of the plan. The requested “C-3” base zoning district is not consistent with the adopted land use designation. The applicant has requested a Plan Amendment to “Regional Commercial.” Staff and Planning Commission recommend Approval.

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

Staff has not found evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The applicant is requesting the zone change in order to renovate a bar. The bar was non-conforming and has been there without the appropriate zoning.

**3. Suitability as Presently Zoned:**

The existing “C-3R” base zoning district is appropriate for the surrounding area. There is “C-3R” base zoning

directly to the east of the property, a thrift store directly to the south, and a proposed development that will include a bar, microbrewery, and commercial uses to the east.

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

Staff has not found any indication of likely adverse effects on the public health, safety, or welfare. A bar has existed there in the past and the structure is currently dilapidated. The renovation of the structure will eliminate the vacancy of the building and does not seem to indicate likely adverse effects.

**5. Public Policy:**

The request does appear to conflict with the Arena District/Eastside Community Plan, but the applicant is requesting a Plan Amendment in order to remove any conflicts.

**6. Size of Tract:**

The 0.1301-acre site is of sufficient size to accommodate the proposed development. The structure is currently on the property and there is plenty of space to accommodate parking as well.

**7. Other Factors:**

The current base zoning district is “C-3R” and the request is to remove the “R” to allow on premise sales and alcohol consumption. The requested zone change will also allow the renovation of the building and the occupancy of the vacant structure.