



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-2397

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 3/21/2019

**Title:** ZONING CASE # Z-2019-10700003 (Council District 2): Ordinance amending the Zoning District Boundary from "C-3R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District to "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District on Lot 27 and Lot 28, Block 53, NCB 1626, located at 323 Denver Boulevard. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Zoning Minutes, 3. Draft Ordinance, 4. Ordinance 2019-03-21-0256

Date	Ver.	Action By	Action	Result
3/21/2019	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z-2019-10700003

**SUMMARY:**

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

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

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** February 19, 2019

**Case Manager:** Marco Hinojosa, Planner

**Property Owner:** Luis De Luna

**Applicant:** Luis De Luna

**Representative:** Luis De Luna

**Location:** 323 Denver Boulevard

**Legal Description:** Lot 27 and Lot 28, Block 53, NCB 1626

**Total Acreage:** 0.1527

**Notices Mailed**

**Owners of Property within 200 feet:** 34

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

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property is within the original 36 square miles of the city of San Antonio. The subject property was rezoned from "C" Apartment District, "D" Apartment District, "J" Commercial District, "L" First Manufacturing District, "B-1" Business District and "B-3" Business District to "B-3R" Restrictive Business District by Ordinance 79389, dated December 16, 1993. The property converted from "B-3R" Restrictive Business District to the current "C-3 R" General Commercial Restrictive Alcoholic Sales District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

**Topography:** The subject property is not located within the 100-year flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

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

**Current Land Uses:** Restaurant and Gas Station/Convenience Store

**Direction:** East

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

**Current Land Uses:** Unknown Building and Single-Family Residence

**Direction:** South

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

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

**Direction:** West

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

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

**Overlay and Special District Information:**  
"AHOD"

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:** Local

**Proposed Changes:** None Known

**Public Transit:** VIA bus routes are within walking distance of the subject property. Routes served: 28, 30, 32,

230

**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 minimum parking requirements for a single-family dwelling is one (1) space per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of "C-3R". "C-3" districts are designed to provide for more intensive commercial uses than those located within the "NC," "C-1," "C-2" or "C-3" zoning districts. "C-3" uses are typically characterized as community and regional shopping centers, power centers and/or assembly of similar uses into a single complex under either single ownership or the structure of a property owners or condominium styled organization. "C-3" districts should incorporate shared internal circulation and limited curb cuts to arterial streets.

**FISCAL IMPACT:**

None.

**Proximity to Regional Center/Premium Transit Corridor**

The subject property is not located within a Regional Center or half mile of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (9-0) 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 Arena District/Eastside Community Plan, and is currently designated as "Medium Density Residential" in the future land use component of the plan. The requested "RM-4" base zoning is consistent with the future land use designation.

**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 proposed zoning downzones an intense commercial district to a residential district for use as a single-family home.

**3. Suitability as Presently Zoned:**

The current "C-3R" base zoning district is not an appropriate zoning district for the property and surround area. The properties to the south of the subject property are zoned "RM-4" Residential Mixed District. Although the entire block is zoned "C-3R," the zoning is not consistent with the use of properties in the middle of the block that are established single-family homes. The rezoning is requested in order to construct a carport and complete other renovations to the existing home.

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

Staff has not found indication of likely adverse effects on the public health, safety, or welfare.

**5. Public Policy:**

The proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the Arena District/Eastside Community Plan:

1. Redevelopment Goals over the next 10-15 years
  - 1.1 New home construction - 25-50 homes per year
2. Land Use Guiding Principles
  - 2.1 Establish a land use pattern that is responsive to the existing context and is founded upon realistic market expectations
  - 2.2 Protect the neighborhoods by providing them with the necessary improvements to enable infill development and redevelopment
4. Land Use Plan Goals
  - 4.1 Conserve existing neighborhoods

**6. Size of Tract:**

The subject property is 0.1527 acres, which would adequately support a single-family home.

**7. Other Factors:**

None.