



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-7986

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 11/5/2019

**Title:** ZONING CASE Z-2019-10700244 CD (Council District 2): A request for a change in zoning from “R-4 CD NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District with a Conditional Use for a Food Service Establishment to “R-4 CD NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District with a Conditional Use for a Food Service Establishment to Amend Existing Conditions on Lot 21, Block 1, NCB 6227, located at 118 Davis Court. Staff recommends Approval. (Mirko Maravi, Planner (210) 207-0107, mirko.maravi@sanantonio.gov; Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan

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

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z-2019-10700244 CD

**SUMMARY:**

**Current Zoning:** “R-4 CD NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District with a Conditional Use for a Food Service Establishment

**Requested Zoning:** “R-4 CD NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District with a Conditional Use for a Food Service Establishment. The purpose of the rezoning is to amend the existing condition

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 5, 2019

**Case Manager:** Mirko Maravi, Planner

**Property Owner:** November 44, LLC

**Applicant:** Jose Ramon Campos

**Representative:** Jose Ramon Campos

**Location:** 118 Davis Court

**Legal Description:** Lot 21, Block 1, NCB 6227

**Total Acreage:** 0.1607

**Notices Mailed**

**Owners of Property within 200 feet:** 19

**Registered Neighborhood Associations within 200 feet:** Mahncke Park Neighborhood Association

**Applicable Agencies:** Fort Sam Houston, Texas Department of Transportation

**Property Details**

**Property History:** The subject property was part of the original 36 square miles of the City of San Antonio and zoned "B" Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned "B" Residence District converted to the "R-4" Residential Single-Family District. The property was rezoned by Ordinance 2014-12-04-0982, dated December 4, 2014, from "R-4" Residential Single-Family District to the current "R-4 CD" Residential Single-Family District with a Conditional Use for a Food Service Establishment without cover charge 3 or more days per week.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

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

**Current Land Uses:** Residential

**Direction:** South

**Current Base Zoning:** "C-2"

**Current Land Uses:** Parking Lot

**Direction:** East

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

**Current Land Uses:** Residential

**Direction:** West

**Current Base Zoning:** "C-1" and "C-3 NA"

**Current Land Uses:** Commercial Car Wash

**Overlay and Special District Information:**

"NCD"

The Mahncke Park Neighborhood Conservation District (NCD-6) 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 and Community Development staff, develop the design guidelines. These guidelines can address building materials, height, size, massing, signage, sidewalk location, etc. A zoning review is performed by the Zoning Section of the Development Services Department.

**Transportation**

**Thoroughfare:** Davis Court

**Existing Character:** Local

**Proposed Changes:** None Known

**Public Transit:** VIA bus routes are within walking distance of the subject property.

**Routes Served:** 8, 9, 10, 11, 14, 209, 214, 509

**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 requirement for a food restaurant is 1 space for every 100 square feet.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current:** The present zoning district designation of “R-4 CD” Residential Single-Family District provide areas for medium- to high-density, single-family residential uses where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing single-family dwellings and open area where similar residential development seems likely to occur. Residential single-family provides minimum lot size and density requirements in order to preserve neighborhood character. The Conditional Use allows for a Food Service Establishment without cover charge 3 or more days per week. The following conditions were approved with the rezoning in December 2014:

- 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 or office hours of operations shall not be permitted before 7:00 a.m. or after 6:00 p.m., Monday through Friday and shall not be permitted before 8:00 a.m. or after 4:00 p.m. on Saturday.
- D. Outside speakers shall be prohibited.
- E. There shall be strict enforcement of light pollution from signage and landscaping lights.

**Proposed:** The proposed “R-4 CD” Residential Single-Family District is requested to amend the condition to be open on Sundays from 7:00 am to 3:00 pm.

**FISCAL IMPACT:**

None.

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

The subject property is within the Midtown Regional Center and located within the Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends 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 Midtown Area Regional Center Plan and is currently designated as “Urban Low Density Residential” in the future land use component of the plan. The requested “R-4” base zoning district is consistent with the future land use designation.

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

Staff does not find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The use of a food service establishment is normally allowed by right in a commercial district. The request is to amend the condition to be open on Sundays.

**3. Suitability as Presently Zoned:**

The current “R-4 CD” Residential Single-Family District with Conditional Use for a Food Service Establishment without cover charge 3 or more days per week is an appropriate zoning for the property and surrounding area. The proposed “R-4 CD” will allow for City Council conditions to be adjusted.

**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 Midtown Area Regional Center Plan:

Goal 7: Stimulate a Thriving Economy

- Leverage existing robust employment anchors such as University of the Incarnate Word, San Antonio College, and Metropolitan Methodist Hospital.

**6. Size of Tract:**

The subject property is 0.1607 acres, which could reasonably accommodate residential and café uses.

**7. Other Factors:**

The subject property is located within the Fort Sam Houston Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JBSA was notified of the proposed request.

The Conditional Use zoning procedure is designed to provide for a land use that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

Applicant is requesting rezoning to amend the **bolded** condition to allow for business hours on Sundays.

The following conditions shall apply if the request is recommended for Approval:

- 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 or office hours of operations shall not be permitted before 7:00 a.m. or after 6:00 p.m.,

Monday through Friday and shall not be permitted before 8:00 a.m. or after 4:00 p.m. on Saturday.  
**Sundays 7:00a.m. to 3:00p.m.**

D. Outside speakers shall be prohibited.

E. There shall be strict enforcement of light pollution from signage and landscaping lights.