



# City of San Antonio

## Agenda Memorandum

**File Number:**18-2398

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**Agenda Item Number:** Z-14.

**Agenda Date:** 4/5/2018

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2018102 S

**SUMMARY:**

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

**Requested Zoning:** "C-3 S AHOD" General Commercial Airport Hazard Overlay District with Specific Use Authorization for a Bail Bond Agency

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** March 6, 2018

**Case Manager:** Nyliah Acosta, Planner

**Property Owner:** Russell and Michelle Gutierrez

**Applicant:** Luis J. Garcia Jr.

**Representative:** Luis J. Garcia Jr.

**Location:** 913 North New Braunfels Avenue

**Legal Description:** Lot 10 and the south 52.5 feet of Lot 9, Block A, NCB 1318

**Total Acreage:** 0.1039

**Notices Mailed**

**Owners of Property within 200 feet:** 30

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

**Applicable Agencies:** None.

### **Property Details**

**Property History:** The property was a part of the original 36-square miles of the City of San Antonio and was zoned "F" Local Retail District. The property was rezoned from "F" to "B-3" Business District by Ordinance 70785, dated December 14, 1989. The property converted from "B-3" to the current "C-3" General Commercial District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

**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:** "C-3"

**Current Land Uses:** Vacant Lot

**Direction:** East

**Current Base Zoning:** "I-1"

**Current Land Uses:** Barber Shop, Print Shop, and Vacant Commercial

**Direction:** South

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

**Current Land Uses:** Restaurant

**Direction:** West

**Current Base Zoning:** "C-3" and "R-4"

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

### **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:** North New Braunfels Avenue

**Existing Character:** Primary Arterial

**Proposed Changes:** None Known

**Thoroughfare:** Arthur Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Public Transit:** VIA bus routes 22 and 222 are within walking distance of the subject property.

**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 required is 1 parking space per 1,000 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 of “C-3”, which are intended to provide for more intensive commercial uses than those located within the NC, C-1 or C-2 zoning districts. C-3 uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses: bar/tavern & nightclub, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market, home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in 35-510 of the Unified Development Code.

**FISCAL IMPACT:**

None.

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

The property is not within a Regional Center. The property is within a ½ of a mile of the New Braunfels Avenue Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (10-0) 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 Dignowity Hill Neighborhood Plan and is currently designated as “High Density Mixed Use” in the future land use component of the plan. The requested “C-3” base zoning district is consistent with the future land use designation.

**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 “C-3” General Commercial District is an appropriate zoning for the property and surrounding area. North New Braunfels Avenue currently supports intense commercial uses.

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

Staff has found no 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 goals, principles, and objectives of the Dignowity Hill Neighborhood Plan.

**6. Size of Tract:**

The subject property is 0.1039 of an acre, which should accommodate the proposed Bail Bond Agency

business.

## **7. Other Factors:**

The purpose of the Specific Use Authorization is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but with may, under the right set of circumstances and conditions be acceptable in certain specific locations.

The requested Bail Bonds requires a Specific Use Authorization in order to be permitted within the “C-3” base zoning. The research of the area does not indicate an oversaturation of Bail Bond Agency uses. The property’s location along North New Braunfels Avenue, a primary arterial and the existence of intense commercial and industrial base zoning makes the “C-3 S” an appropriate request.