



# City of San Antonio

## Agenda Memorandum

**File Number:**15-4424

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**Agenda Item Number:** 4.

**Agenda Date:** 8/18/2015

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z2015246

(Associated Plan Amendment 15065)

**SUMMARY:**

**Current Zoning:** "C-2P AHOD" Commercial Pedestrian Airport Hazard Overlay District, "C-2P S AHOD" Commercial Pedestrian Airport Hazard Overlay District with Specific Use Authorization for a Carwash, "O-1 AHOD" Office Airport Hazard Overlay District, "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District, "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District, and "MF-33 HS AHOD" Multi-Family Historic Significant Airport Hazard Overlay District

**Requested Zoning:** "IDZ AHOD" Infill Development Zone District with uses permitted in "C-2P" Commercial Pedestrian District, Carwash, Party House/Reception Hall/Meeting Facility, Bar/Tavern, Non-Commercial Parking Lot and three (3) residential units on 1.7886 acres out of NCB 680 and NCB 753, "IDZ HS AHOD" Infill Development Zone Historic Significant Airport Hazard Overlay District with four (4) residential units and non-commercial parking lot on 0.1171 acres out of NCB 680, "C-2 IDZ AHOD" Commercial Infill Development Zone Airport Hazard Overlay District on 0.0698 acres out of NCB 357 and "C-1 IDZ AHOD" Light Commercial Infill Development Zone Airport Hazard Overlay District 0.082 acres out of NCB 758

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 18, 2015. This case is continued from the August 4, 2015 hearing.

**Case Manager:** Oscar Aguilera, Planner

**Property Owner:** Samuel and Lisa Asvestas

**Applicant:** Samuel and Lisa Asvestas

**Representative:** Samuel and Lisa Asvestas

**Location:** Generally located in the 600 Block of West Cypress Street, 700 Block of Jackson Street, and 700 Block of West Poplar Street

**Legal Description:** Approximately 2.0575 acres of land out of NCB 753, NCB 680, NCB 758, and NCB 357

**Total Acreage:** 2.0575

#### **Notices Mailed**

**Owners of Property within 200 feet:** 66

**Registered Neighborhood Associations within 200 feet:** Five Points Neighborhood Association

**Planning Team:** Five Points Planning Team -25

**Applicable Agencies:** None

#### **Property Details**

**Property History:** The subject property is located within the original city limits as recognized in 1938 and the property was zoned "D" Apartment District. Upon the adoption of the 1965 Code the zoning district changed to "R-3" and then upon the adoption of the 2001 Unified Development Code, the zoning district changed to "MF-33" Multi-Family District classification. On May 2, 2003 all of Lots 1 through 10 NCB 680, The south 108.5 feet of the west 68.2 feet of Lot A18, NCB 753, the west 60.7 feet of the south 108.5 feet of Lot A24, NCB 753, the east 8 feet of the south 108.25 feet and the north 30 feet of Lot A24, NCB 753 were rezoned to "R-4" Residential Single-Family District, Lots 2 through 4 and the east 58 feet of lot B and the north 30 feet of lot A18, NCB 753 zoning district changed to "RM-4" Residential Mixed District, Lot 7 zoning district changed to "C-2 P" Commercial Pedestrian District, Lot 6, NBC 753 zoning district changed to "C-2 P S" Commercial Pedestrian District with an Specific Use Authorization to allow a Self-Service Carwash and Lot A-27 Block 11 NCB 758 changed to "C-1" Light Commercial District. On May 8, 2003 the west 39.3 feet of the east feet of Lots 1, 2 and 3 NCB 680 property portion was rezoned to "HS MF-33" Historic Significant Multi-Family Zoning District (Ordinance 97589). On April 8, 2008 Lot 4 NCB 753 was rezoned from "RM-4" Residential Mixed District to "O-1" Office District.

**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, East

**Current Base Zoning:** C-2 P CD, C-2 P, C-1, and I-1

**Current Land Uses:** Auto Shop, Vacant building, Hardware Store and Restaurants.

**Direction:** West, South

**Current Base Zoning:** R-4, C-1, and RM-4

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

**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:** Cypress Street

**Existing Character:** Secondary Arterial Type B 70' - 86'.

**Proposed Changes:** None known.

**Thoroughfare:** Jackson Street

**Existing Character:** Local; 1 lane in each direction with sidewalks.

**Proposed Changes:** None known.

**Thoroughfare:** Poplar Street

**Existing Character:** Local; 1 lane in each direction with sidewalks.

**Proposed Changes:** None known.

**Public Transit:** There is a VIA bus stop located at the intersection of W. Cypress at Jackson Street few feet from the subject property.

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required. Infill Development (IDZ) is exempt from TIA requirements.

**Parking Information:** The “IDZ” Infill Development Zone District eliminates off-street vehicle parking requirements.

**ISSUE:**

None.

**ALTERNATIVES:**

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

**FISCAL IMPACT:**

None.

**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 property is located within the Five Points Plan and is designated as “Low Density Residential”, “Medium Density Residential”, and “Community Commercial”. The requested "IDZ", "IDZ HS", "C-2 IDZ", and "C-1 IDZ" base zoning districts are not consistent with the adopted land use designation. The applicant has applied for a Plan Amendment to change the designation to “Low Density Mixed Use”. Staff and the Planning Commission recommended approval of the Plan Amendment.

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

Staff has found evidence of likely adverse impacts on Lots 721 and 719 West Poplar Street. Staff does not recommend further encroachment of a parking lot on these residential lots.

**3. Suitability as Presently Zoned:**

The proposed "IDZ", "IDZ HS", "C-2 IDZ", and "C-1 IDZ" zoning districts are appropriate for the subject properties. The existing property is adjacent to similar businesses that are compatible to the proposed zoning designations. The proposed uses currently exist and the applicant is rezoning for compliance with the code.

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

Staff has found evidence of likely adverse impacts on the lots located at 721 and 719 West Poplar Street. Any additional encroachment of parking, on residential lots, may jeopardize the safety, welfare, and public health of adjacent residents.

**5. Public Policy:**

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

**6. Size of Tract:**

The subject property is 2.0575 acres in size and it is fully developed with a Restaurant, a Laundromat, Reception Hall, Meeting Facility, Bar, Seven Residential Units, and a Parking Lot.

**7. Other Factors:**

None.