



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 1, 2022

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

ZONING CASE Z-2022-10700264

(Associated Plan Amendment Case PA-2022-11600094)

**SUMMARY:**

**Current Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 18, 2022

**Case Manager:** Ann Benavidez, Planner

**Property Owner:** Hussain Ali

**Applicant:** Hussain Ali

**Representative:** Hussain Ali

**Location:** 823 Fresno Street

**Legal Description:** the east 60 feet of Lot 37, Block 11, NCB 9214

**Total Acreage:** 0.1722 acres

**Notices Mailed****Owners of Property within 200 feet:** 18**Registered Neighborhood Associations within 200 feet:** Edison Neighborhood Association**Applicable Agencies:** NA**Property Details**

**Property History:** The subject property was annexed into the City of San Antonio by Ordinance 1941 dated May 30, 1940, and originally 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 current "R-4" Residential Single-Family District.

**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 Dwelling**Direction:** South**Current Base Zoning:** "R-4"**Current Land Uses:** Residential Dwelling, Highschool**Direction:** East**Current Base Zoning:** "R-4"**Current Land Uses:** Residential Dwelling**Direction:** West**Current Base Zoning:** "C-3NA", C-3" and "C-2"**Current Land Uses:** Residential Dwelling**Overlay District Information:**

The "AHOD" Airport Hazard Overlay District, due to the location of the property and its proximity to an airport or approach path, does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

**Special District Information:**

None.

**Transportation****Thoroughfare:** Fresno Street**Existing Character:** Secondary Arterial B**Proposed Changes:** None known.**Thoroughfare:** Blanco Road

**Existing Character:** Secondary Arterial B

**Proposed Changes:** None known.

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

**Routes Served:** 3, 2, 4, 202, 204, 651

**Traffic Impact:** A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

**Parking Information:** The minimum parking requirement for most light retail uses is 1 parking space per 300 square feet.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "R-4" Residential Single-Family Districts accommodate single-family dwelling (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools.

Proposed Zoning: "C-2" Commercial Districts accommodate community commercial uses, with unlimited building size, and building height limitation of 25 feet. Examples of permitted uses: liquor store, miniature golf and other indoor gaming facilities, small indoor movie theater, pet cemetery, auto & light truck oil, lube & tune-up, auto glass tinting, tire repair (sale and installation only), gas station, appliance sales & repair, charitable food & clothing banks and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center but is within a ½ mile of the San Pedro Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial. Zoning Commission recommends Approval, pending Plan Amendment.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on approval criteria below.

1. **Consistency:** The subject property is located within the North Central Neighborhoods Community Plan and is currently designated as "Low Density Residential" in the future land use component of the plan. The requested "C-2" base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to "Community Commercial". Staff recommends Denial. Planning Commission recommends Approval.

2. **Adverse Impacts on Neighboring Lands:** Staff does find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is not consistent with the established development pattern of the surrounding area. The subject site is immediately abutting single family residential zoning and land use on all but the west side, which makes a commercial zoning designation inappropriate for the property.
3. **Suitability as Presently Zoned:** The current “R-4” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “C-2” Commercial District is not appropriate. While the property is abutting an arterial street, it is part of an established low density residential neighborhood. The property benefits from the “B” to “R-4” Conversion and could therefore accommodate a duplex. The request is not consistent with the goals specified by the Strategic Housing Implementation Plan (SHIP), which promote the rehabilitation and preservation of existing residences and the protection of neighborhoods through compatible infill development.
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 request does not appear to conflict with any public policy objectives of the North Central Neighborhoods Community Plan:
  - GOAL 3: Maintain and preserve the quality of the existing residential and commercial properties through the encouragement of rehabilitation and code compliance.
    - o Objective 3.1: Promote the maintenance of existing properties.
  - GOAL 4: Ensure a transition between residential and commercial areas that is aesthetically pleasing while discouraging encroachment into residential areas.
    - o Objective 4.1: Discourage encroachment of businesses into existing residential neighborhoods.
6. **Size of Tract:** The subject property is 0.1722 acres, which can reasonably accommodate the proposed development.
7. **Other Factors:** The applicant intends to rezone to “C-2” Commercial District, in order to permit an expansion of the commercial retail strip to the west of the property. The existing residential structure would need to be demolished to accommodate the commercial development.

The proposed rezoning would require the applicant construct a 6-foot solid screen fence as well as a Type B landscape buffer adjacent to the existing single family residential uses.