



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-2378

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 3/5/2019

**Title:** (Continued from 02/19/19) ZONING CASE # Z-2018-900017 (Council District 1): A request for a change in zoning from "C-2NA NCD-2 AHOD" Commercial Nonalcoholic Sales Alta Vista Neighborhood Conservation Airport Hazard Overlay District and "O-1 IDZ NCD-2 AHOD" Office Infill Development Zone Overlay Alta Vista Neighborhood Conservation Airport Hazard Overlay District to "IDZ NCD-2 AHOD" Infill Development Zone Alta Vista Neighborhood Conservation Airport Hazard Overlay District with uses permitted for Entertainment Venue (Indoor), Theater - Indoor With Two or less Screens And/Or Stages, and Studio - Fine or Performing Arts on 0.411 acres out of NCB 1891, located at 741 and 725 West Ashby Place. Staff recommends Approval, pending Plan Amendment. (Associated Plan Amendment PA2018-900013)

**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:** 1

**SUBJECT:**

Zoning Case Z2018-900017  
(Associated Plan Amendment PA2018-900013)

**SUMMARY:**

**Current Zoning:** "C-2NA NCD-2 AHOD" Commercial Nonalcoholic Sales Alta Vista Neighborhood Conservation Airport Hazard Overlay District and "O-1 IDZ NCD-2 AHOD" Office Infill Development Zone Overlay Alta Vista Neighborhood Conservation Airport Hazard Overlay District

**Requested Zoning:** "IDZ NCD-2 AHOD" Infill Development Zone Alta Vista Neighborhood Conservation Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and a Theater

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** March 5, 2019. This case is continued from the January 15, 2019 and February 19, 2019 hearings.

**Case Manager:** Marco Hinojosa, Planner

**Property Owner:** George Green

**Applicant:** George Green

**Representative:** Patrick Christensen

**Location:** 741 & 725 West Ashby Place

**Legal Description:** 0.411 acres out of NCB 1891

**Total Acreage:** 0.411

**Notices Mailed**

**Owners of Property within 200 feet:** 21

**Registered Neighborhood Associations within 200 feet:** Alta Vista

**Applicable Agencies:** Parks & Recreation; Office of Historic Preservation; Planning Department

**Property Details**

**Property History:** The subject property was rezoned to “B-2” Business District and “B-2NA” Non-Alcoholic Sales Business District by Ordinance 86704, dated September 25, 1997. The Property was further rezoned from “C-2” Commercial District to “O-1” Office District by Ordinance 2008-09-18-0867, dated September 18, 2008. The property converted from “B-2NA” to the current “C-2NA” Commercial Nonalcoholic Sales District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

**Topography:** None.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** “C-2NA”, “RM-4”, and “MF-33”

**Current Land Uses:** Single-Family Residences, Two-Family Residence, and Apartments

**Direction:** East

**Current Base Zoning:** “R-6” and “O-2”

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

**Direction:** South

**Current Base Zoning:** “RM-4”

**Current Land Uses:** San Pedro Springs Park

**Direction:** West

**Current Base Zoning:** “R-6” and “C-2”

**Current Land Uses:** Florist and 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.

"NCD"

The Alta Vista Neighborhood Conservation District (NCD-2) 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:** West Ashby Place

**Existing Character:** Collector

**Proposed Changes:** None Known

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

Routes Served: 3, 4, and 20

**Thoroughfare:** North Flores Street

**Existing Character:** Local

**Proposed Changes:** None Known

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

Routes Served: 3, 4, and 20

**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 waives 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 designations of "C-2NA" and "O-1". "C-2" districts accommodate commercial and retail uses that are more intensive in character than "NC" and "C-1" uses, and which generate a greater volume of vehicular traffic and/or truck traffic. The "O-1" district restricts uses primarily to offices and ancillary uses (for the purposes of this subsection, ancillary uses are those provided for the convenience of on-site tenants and which do not provide services or products to the general public) which do not have peak weeknight or weekend usage in order to provide a buffer between residential areas and more intensive uses. "O-1" districts provide for the establishment of low to mid-rise office buildings. Uses within an "O-1" district are limited to uses incidental to the needs of the occupants of the building and are not designed to serve a regional market area.

**FISCAL IMPACT:**

None.

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

The property is located within half a mile of Premium Transit Corridor

**RECOMMENDATION:**

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

**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 Midtown Neighborhoods Plan, and is currently designated as “Neighborhood Commercial” in the future land use component of the plan. The requested “IDZ” base zoning is not compatible with the future land use designation. The applicant is requesting a Plan Amendment from “Neighborhood Commercial” to “Mixed Use” to accommodate the proposed rezoning. Staff recommends Approval. Planning Commission continued the hearing to February 13, 2019.

**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.

**3. Suitability as Presently Zoned:**

The current “C-2NA” and “O-1” base zoning district are appropriate for the surrounding area. The subject property is bounded by residential uses.

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

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

**5. Public Policy:**

Properties surrounding the subject property include retail, residential, vacant, and public park uses. Surrounding properties are zoned C-2, C-2NA, O-2 MF-33, R-6 IDZ, C-1, and C-3. The future land use for surrounding properties Neighborhood Commercial, Medium Density Residential, and Parks and Open Space The subject property is within the SA Corridors study area.

The proposed use is a theatre. The reviewed application did not include a site plan. The neighborhood plan future land use policy does not speak to theatres, and does not identify zoning districts that would typically be suitable in each future land use area. The neighborhood plan states: “Encourage low density commercial uses, medium-to-high-density residential uses, restaurants and coffee shops,” in the vicinity of Ashby and Flores. The plan supports adaptive reuse of existing structures, and the use of either street parking or parking to the rear of structures.

Relevant Goals and Policies of the SA Tomorrow Comprehensive Plan may include:

- GCF Goal 1: Higher-density uses are focused within the city’s 13 regional centers and along its arterial and transit corridors.
- GCF Goal 2: Priority growth areas attract jobs and residents.
- GCF Goal 4: Sustainable infill and mixed-use development provide walkable and bikeable destinations for all residents.
- GCF P9: Allow higher-density and mixed uses in portions of, or adjacent to, single-family residential areas to encourage shopping, services and entertainment amenities in close proximity to housing and

where appropriate.

- GCF P13: Evaluate commercial and industrial land use and zoning designations in the core of the city, regional centers, urban centers and primary transit corridors to determine areas that could be converted to residential or mixed-use.
- H Goal 3: Housing choices are available in walkable and bikeable neighborhoods located near transit, employment, retail, medical and recreational amenities.

The proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the Midtown Neighborhoods Plan.

Midtown Neighborhoods Plan Relevant Goals and Objectives:

- Objective 1.3: Business Development Attract new neighborhood-friendly, locally owned, sustainable businesses that will meet the neighborhood's daily needs, build on our base of "mom and pop" businesses and bring new vitality to the neighborhood's commercial centers.
- Goal 1: Parks & Recreation Facilities and Programs: Develop, enhance and maintain parks, recreational facilities, recreational and community programs to meet the needs of the Midtown Neighborhoods planning area.
- Goal 2: Community Appearance and Safety Promote a safe, clean and livable environment for area residents and future generations, while preserving the traditional character of the Midtown neighborhoods.

## 6. Size of Tract:

The subject property measures 0.411 acres which should reasonably accommodate a theater.

## 7. Other Factors:

This zoning request includes the intention to demolish buildings. In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. Approval of a zoning change does not imply approval of or take the place of such demolition review as directed by the UDC. To date, no application for demolition at this address to accommodate the proposed use has been submitted for review to the Office of Historic Preservation.

Infill Development Zone (IDZ) provides flexible standards for developments. IDZ is to encourage and facilitate development on vacant, bypassed lands, or the redevelopment of underutilized buildings or structures, within existing built-up areas. IDZ may be approved as either a base zoning district or an overlay zoning district. Standards required in an IDZ district shall apply to either IDZ base zoning or the IDZ overlay district except where otherwise specifically stated. Typically IDZ gives flexibility to parking requirements, lots sizes, and setbacks.

- The applicant's request meets the Master Plan's Policy for Growth Management - Policy 1g, because it makes physical improvements on an inner city property encouraging redevelopment and infill development.
- The applicant's request meets the Master Plan's Policy for Economic Development - Goal 4, because it targets an area within Loop 410 and the southern sector.

- The applicant's request the Master Plan's Policy for Neighborhoods - Policy 1a, because it rezones vacant or underutilized property in and around neighborhoods to encourage redevelopment that is compatible in use and intensity with the existing neighborhood.
- The applicant's request the Master Plan's Policy for Urban Design - Policy 1d, because it develops criteria and procedures for infill development which will enhance the character of neighborhoods.
- The applicant's request the Master Plan's Policy for Urban Design - Policy 4b, because it incentivizes property to encourage development in underutilized urban areas.

The applicant's representative is amending the request at the podium to list specific items that are classified in the "C-2" Commercial District, rather than all uses permitted in "C-2."