



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-4296

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 8/2/2018

**Title:** ZONING CASE # Z2018235 (Council District 1): Ordinance amending the Zoning District Boundary from "C-3NA H UC-5 AHOD" General Commercial Nonalcoholic Sales Tobin Hill Historic Main Avenue/McCullough Urban Corridor Airport Hazard Overlay District and "C-3NA UC-5 AHOD" General Commercial Nonalcoholic Sales Main Avenue/McCullough Urban Corridor Airport Hazard Overlay District to "IDZ H UC-5 AHOD" Infill Development Zone Tobin Hill Historic Main Avenue/McCullough Urban Corridor Airport Hazard Overlay District for nine (9) residential dwelling units and "IDZ UC-5 AHOD" Infill Development Zone Main Avenue/McCullough Urban Corridor Airport Hazard Overlay District for nine (9) residential dwelling units on 0.628 acres out of NCB 2995, located at 305 East Courtland Place. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment 18072)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Ordinance 2018-08-02-0562

Date	Ver.	Action By	Action	Result
8/2/2018	1	City Council A Session	Motion to Approve	

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z2018235

(Associated Plan Amendment 18072)

**SUMMARY:**

**Current Zoning:** "C-3NA H UC-5 AHOD" General Commercial Nonalcoholic Sales Tobin Hill Historic Main Avenue/McCullough Urban Corridor Airport Hazard Overlay District and "C-3NA UC-5 AHOD" General Commercial Nonalcoholic Sales Main Avenue/McCullough Urban Corridor Airport Hazard Overlay District

**Requested Zoning:** "IDZ H UC-5 AHOD" Infill Development Zone Tobin Hill Historic Main Avenue/McCullough Urban Corridor Airport Hazard Overlay District for nine (9) residential dwelling units and "IDZ UC-5 AHOD" Infill Development Zone Main Avenue/McCullough Urban Corridor Airport Hazard Overlay District for nine (9) residential dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 3, 2018

**Case Manager:** Nylicah Acosta, Planner

**Property Owner:** Midtown Restorations, LLC

**Applicant:** Midtown Restorations, LLC

**Representative:** Patrick Christensen

**Location:** 305 East Courtland Place

**Legal Description:** 0.628 acres out of NCB 2995

**Total Acreage:** 0.628

**Notices Mailed**

**Owners of Property within 200 feet:** 34

**Registered Neighborhood Associations within 200 feet:** Tobin Hill Community Association

**Applicable Agencies:** Planning Department, Fort Sam Houston Base

**Property Details**

**Property History:** The subject property is part of the original 36 square miles of the City of San Antonio and was zoned "F" Local Retail District. A 1995 case, Ordinance 83330, rezoned the property to "B-3 NA" Business Nonalcoholic Sales District. Upon the adoption of the 2001 Unified Development Code, the previous "B-3NA" converted to the current "C-3 NA" General Commercial Nonalcoholic Sales District.

**Topography:** The property does not include any abnormal physical features such as slope or inclusion in a floodplain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** R-6, C-3

**Current Land Uses:** Parking Lot, Bar, Single-Family Residences

**Direction:** East

**Current Base Zoning:** R-6, MF-33

**Current Land Uses:** Duplexes

**Direction:** South

**Current Base Zoning:** R-6, C-2

**Current Land Uses:** Tire Shop, Single-Family Residences, Duplex

**Direction:** West

**Current Base Zoning:** MF-33, IDZ, C-2, C-3, O-1

**Current Land Uses:** Duplex, Vacant Lot, Single-Family Residences, Retail Shops, Gas Station and Corner Store, Office Building

**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

In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all exterior work for any property within a Historic District. Exterior work or new construction requires a Certificate of Appropriateness before work begins. Approval of a zoning change does not imply approval of or take the place of design review as directed by the UDC.”

### **Transportation**

**Thoroughfare:** East Courtland Place

**Existing Character:** Local Road

**Proposed Changes:** None known

**Thoroughfare:** McCullough Avenue

**Existing Character:** Secondary Arterial

**Proposed Changes:** None known

**Public Transit:** VIA route 20 and 5 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:** Single-Family Dwelling- Minimum Vehicle Spaces: 1 per unit.

### **ISSUE:**

None.

### **ALTERNATIVES:**

A denial of the request will result in the subject property retaining the current base zoning district. “C-3” General Commercial districts 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. “C-3NA” districts are identical to “C-3” districts except that the sale of alcoholic beverages is prohibited.

### **FISCAL IMPACT:**

None.

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

The subject property is not within a Regional Center, but is within close proximity to the New Braunfels Metro Premium Plus Route.

**Staff Analysis and Recommendation:** Staff and Zoning Commission (9-0) recommend 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 Tobin Hill Neighborhood Plan, and is currently designated as “Low Density Residential” and “Low Density Mixed Use”. The requested “IDZ” Infill Development base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to change the future land use from “Low Density Residential” and “Low Density Mixed Use” to “Low Density Mixed Use”. Staff and Planning Commission recommend Approval.

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

Staff finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The applicant proposes to develop the lot for nine (9) Dwelling Units. The property is composed of two lots, one that is vacant and another with a seven stall self -service carwash. Removing the “C-3” Commercial designation to a residential use would better fit the surrounding area, and would limit the potential of intense commercial uses saturating McCullough. Furthermore, a portion of the property is within the Tobin Hill Historic area and will need to go through the Historic Design Review Commission process to get conceptual approval of the design, which will ensure the scale and design of the dwellings enhance the character of the neighborhood.

**3. Suitability as Presently Zoned:**

The current “C-3” General Commercial base zoning district is appropriate for the subject property’s location; however, building this small scale pocket community offers diverse housing options for the neighborhood.

**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 subject properties are located at the intersection of McCullough Avenue and East Courtland Place. McCullough Avenue is classified as Secondary Arterial Type B street. The current use is a self-serve car wash and vacant land. The properties are located within the boundaries of the SA Tomorrow - Midtown Regional Center Sub-Area plan boundary.

The proposed development would replace the car wash use with 9 dwelling units on .628 acres of property. The equivalent residential density is 14 dwelling units per acre. The applicant’s traffic impact analysis indicates the development will result in a net reduction in peak hour trips from 38.78 to 10.1.

The Tobin Hill Neighborhood Plan supports a mix of low density residential and commercial uses adjacent to McCullough Avenue, transitioning to low density residential uses in the neighborhood. The Tobin Hill Neighborhood Plan discourages commercial or office encroachment into the residential core.

Although the proposed plan amendment includes a change from Low Density Residential to Low Density Mixed Use on the eastern subject property, the proposed 14 dwelling units per acre is identical to the allowed density of the corresponding zoning districts (R-3) for the Low Density Residential Use listed in the neighborhood Plan. The eastern subject property adjacent to neighborhood residential areas is vacant and zoned for commercial use, so the proposed plan amendment and rezone for residential uses consistent with preventing commercial encroachment into the neighborhood residential core.

The Tobin Hill Neighborhood Plan supports parking to the rear of development fronting McCullough Avenue. The applicant's proposed site plan indicates that the residential buildings would be setback and separated from McCullough by surface parking/and or driveways, potentially including a six foot solid screen fence between the structures and the street. This configuration does not support a mixed use pedestrian oriented district, and is not supported by the neighborhood plan.

The Tobin Hill Neighborhood Plan, SA Tomorrow Comprehensive Plan, Multimodal Transportation, and San Antonio Bicycle Master Plan support a multimodal transportation system, a comfortable and safe pedestrian environment on McCullough, and a bicycle lane or buffered bicycle lane on McCullough Avenue, connecting with the existing bicycle lane network to the north and south. Maintaining or adding driveway curb cuts with new development on McCullough Avenue is not consistent with promoting a safe and comfortable bicycle route and pedestrian environment on McCullough Avenue.

## **6. Size of Tract:**

The subject property totals 0.628 acres in size, which reasonably accommodates the uses permitted in "IDZ" Infill Development Zone.

## **7. Other Factors:**

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.