



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-4209

**Type:** Zoning Case

**In control:** City Council A Session

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

**Title:** ZONING CASE # Z2017005 CD (Council District 3 & 5): Ordinance changing various Zoning District Boundaries on multiple properties to "R-4"; "R-5"; "R-6"; "R-6 CD" with a Conditional Use for Two Dwelling Units; "R-6 CD" with a Conditional Use for Four Dwelling Units, "IDZ" with uses permitted in "MF-33" and "C-1"; "IDZ" with uses permitted in "C-2", Multi-Family Residential Uses Not to Exceed 55 Units Per Acre, Bar With and Without Cover Charge, Nightclub With or Without Cover Charge, Parking Garage, Brewery, Micro-brewery, Alcohol Distillation, Winery with Bottling, Dance Hall, Live Entertainment With/Without Cover Charge 3 or More Days Per Week, Townhomes, Coffee Roasting, Food Service Establishment With/Without Cover Charge 3 or More Days Per Week, Beer Garden, Reception Hall/Meeting Facilities, Outdoor Market/Farmer Market, Bed & Breakfast, Boarding Home, Hotel, Hotel Taller than 34 Feet, Water Distillation, Cosmetics Manufacturing or Processing, Fitness Center/Health Club, Natatorium, Recreational Vehicle Park, Flea Market-Indoor and Outdoor, Laboratory-Research or Testing, and Private Club; "IDZ" with uses permitted in "C-2," Multi-Family Residential Uses not to exceed 100 units per acre, Bar, Micro-Brewery, Beer Garden and Hotel; "MF-33"; "IDZ" with uses permitted in "C-1" and Live Entertainment With/Without Cover Charge 3 or More Days Per Week, Reception Hall & Meeting Facilities; "IDZ" with uses permitted in "C-1" and Multi-Family Residential Uses Not to Exceed 55 Units per Acre; "C-1"; "C-2" "C-2NA" Commercial Nonalcoholic Sales District; "C-2 CD" with a Conditional Use for a Construction Contractor Facility; "C-3"; "FR" Farm and Ranch District; and "RP" Resource Protection District. All overlay districts remain unchanged. The properties are generally located within the World Heritage Buffer Zone area, and generally bounded by Cesar Chavez Boulevard to the north, Loop 1604 to the south, Flores Street and Pleasanton Road to the west, and Highway 281/IH 37 to the east. Staff recommends Approval, pending Plan Amendment. Zoning Commission recommendation is forwarded as a Denial, due to lack of a motion. (Associated Plan Amendment 18062)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. WH Map 1, 2. WH Map 2, 3. WH Map 3, 4. WH Map 4, 5. WH Map 5, 6. Zoning Minutes, 7. Draft Ordinance, 8. Legal Descriptions, 9. Ordinance 2018-08-02-0582

| Date     | Ver. | Action By              | Action                | Result |
|----------|------|------------------------|-----------------------|--------|
| 8/2/2018 | 1    | City Council A Session | Motion to Appr w Cond | Pass   |

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** Council District 3 and 5

**SUBJECT:**

Zoning Case Z2017005 CD

**SUMMARY:**

**Current Zoning:** Multiple Zoning Districts

**Requested Zoning:** “R-4” Residential Single-Family District; “R-5” Residential Single-Family District; “R-6” Residential Single-Family District; “R-6 CD” Residential Single-Family District with a Conditional Use for Two Dwelling Units; “R-6 CD” Residential Single-Family District with a Conditional Use for Four Dwelling Units; “IDZ” Infill Development Zone District with uses permitted in “MF-33” Multi-Family District and “C-1” Light Commercial District; “IDZ” Infill Development Zone District with uses permitted in “C-2” Commercial District, Multi-Family Residential Uses Not to Exceed 55 Units Per Acre, Bar With and Without Cover Charge, Nightclub With or Without Cover Charge, Parking Garage, Brewery, Micro-brewery, Alcohol Distillation, Winery with Bottling, Dance Hall, Live Entertainment With/Without Cover Charge 3 or More Days Per Week, Townhomes, Coffee Roasting, Food Service Establishment With/Without Cover Charge 3 or More Days Per Week, Beer Garden, Reception Hall/Meeting Facilities, Outdoor Market/Farmer Market, Bed & Breakfast, Boarding Home, Hotel, Hotel Taller than 34 Feet, Water Distillation, Cosmetics Manufacturing or Processing, Fitness Center/Health Club, Natatorium, Recreational Vehicle Park, Flea Market-Indoor and Outdoor, Laboratory-Research or Testing, and Private Club; “IDZ” Infill Development Zone District with uses permitted in “C-2,” Commercial District, Multi-Family Residential Uses not to exceed 100 units per acre, Bar, Micro-Brewery, Beer Garden and Hotel; “MF-33” Multi-Family District; “IDZ” Infill Development Zone District with uses permitted in “C-1” Light Commercial District and Live Entertainment With/Without Cover Charge 3 or More Days Per Week, Reception Hall & Meeting Facilities; “IDZ” Infill Development Zone District with uses permitted in “C-1” Light Commercial and Multi-Family Residential Uses Not to Exceed 55 Units per Acre; “C-1” Light Commercial District; “C-2” Commercial District “C-2NA” Commercial Nonalcoholic Sales District; “C-2 CD” Commercial District with a Conditional Use for a Construction Contractor Facility; “C-3” General Commercial District; “FR” Farm and Ranch District; and “RP” Resource Protection District. All overlay districts to remain unchanged.

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** June 5, 2018. This case is continued from the April 17, 2018 Zoning hearing.

**Case Manager:** Mary Morales-Gonzales, Senior Planner

**Property Owner:** Multiple Owners

**Applicant:** City of San Antonio

**Representative:** City of San Antonio

**Location:** Properties located within the World Heritage Buffer Zone area, generally located along and near Roosevelt Avenue, Mission Road, South Presa Street, West Mitchell Street, Riverside Drive, Steves Avenue, McKay Avenue, Espada Road, and Villamain.

**Legal Description:** Certain properties located in CB 4002, CB 5161, NCB 17, NCB 20, NCB A-9, NCB A -17, NCB A-20, NCB 1173, NCB 1919, NCB 2850, NCB 2851, NCB 2853, NCB 2854, NCB 2929, NCB 2961, NCB 2976, NCB 2977, NCB 2978, NCB 2981, NCB 2985, NCB 3057, NCB 3069, NCB 3084, NCB 3121, NCB 3132, NCB 3577, NCB 3580, NCB 3581, NCB 3584, NCB 3585, NCB 3588, NCB 3589, NCB 3854, NCB 3957, NCB 3975, NCB 3976, NCB 3977, NCB 3980, NCB 3981, NCB 6098, NCB 6305, NCB 6487, NCB 6488, NCB 6489, NCB 6512, NCB 6513, NCB 6514, NCB 6614, NCB 6917, NCB 6918, NCB 7595, NCB 7598, NCB 7596, NCB 7597, NCB 7598, NCB 7599, NCB 7649, NCB 7650, NCB 7657, NCB 7659, NCB 7660, NCB 7661, NCB 7665, NCB 7672, NCB 7674, NCB 7675, NCB 7676, NCB 7688, NCB 7730, NCB 7746, NCB 7747, NCB 7759, NCB 7760, NCB 8614, NCB 8619, NCB 10916, NCB 10917, NCB 10918, NCB 10919, NCB 10920, NCB 10922, NCB 10931, NCB 10932, NCB 10933, NCB 11173, NCB 11174, NCB 11175, NCB 11918, NCB 11919, NCB 14330.

**Total Acreage:** 619.45 acres

**Notices Mailed**

**Owners of Property with Proposed Zoning Change:** 416

**Owners of Property within 200 feet:** 1205

**Registered Neighborhood Associations within 200 feet:** Lone Star, Mission San José Neighborhood Association, Roosevelt Park Neighborhood Association, Mission Reach Hot Wells Neighborhood Association, Villa Coronado Neighborhood Association

**Applicable Agencies:** N/A

**Property Details**

**Topography:** The subject properties have various topographies with some most southern properties within a floodplain.

**ISSUE:**

City Council approved a Resolution to initiate land use and zoning changes to properties located within the World Heritage Buffer Zone on November 3, 2016. Under the leadership of Councilmember Rebecca Viagran and with community input, a work plan for the World Heritage Buffer Area that includes tasks and deliverables to address infrastructure, wayfinding, transportation, economic development, beautification, marketing and outreach and future land use has been developed. A critical component of the World Heritage work plan has been to update existing land use plans and zoning designations. The land use amendments approved by City Council in 2016 were the first step in the process.

City staff then conducted an inventory and land use analysis of all properties located within one of the 11 land use amendment areas approved by City Council in 2016, and/or located within the Mission Protection Overlay District (MPOD), the River Improvement Overlay District (RIO), or along major corridors (Mission Rd, Roosevelt Ave, and Presa St).

If the current zoning in the analyzed areas was not in alignment with the amendments or goals of the existing overlays and land use plans, then a rezoning recommendation was made.

City staff conducted three major community meetings that were held on December 5, 2017; January 23, 2018; and March 6, 2018 within the community. Several open house sessions were also held at Mission Library, Stinson Airport and Development Services Department to provide information, gather community input and address property owner concerns.

**ALTERNATIVES:**

Denial of the requested zoning changes would result in the subject properties retaining the present zoning district designation.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval. Zoning Commission recommendation is forwarded as Denial, for lack of a motion.

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

criteria below.

**1. Consistency:**

The purpose of the zoning recommendations is to align zoning with current land use designations within the World Heritage Buffer Zone (WHBZ). In 2016, the San Antonio City Council approved 11 land use amendments in four community and sector plans - Lone Star, South Central, Stinson Airport, and Heritage South. These amendments, the direct result of community input and feedback, reflect development goals for the areas surrounding the San Antonio Missions. Additionally, properties located within the Mission Protection Overlay District (MPOD), the River Improvement Overlay District (RIO), and along major corridors (Mission Rd, Roosevelt Ave, and Presa St) were reviewed to determine if current zoning was in alignment with the goals of these existing community and corridor plans, future land use, and feedback from the community.

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

Staff has found no evidence of likely adverse impacts on surrounding properties. Properties proposed for a zoning designation that does not allow the current use of the property will be eligible for registration as a legal nonconforming use. A nonconforming use is a use of a property that was allowed under the zoning regulations at the time the use was established but which, because of subsequent changes in those regulations, is no longer a permitted use. Sometimes this is referred to as “grandfathering.”

**3. Suitability as Presently Zoned:**

City staff has performed an analysis to determine opportunities to bring zoning into alignment with the goals of the land use plans, Mission Protection Overlay District (MPOD), the River Improvement Overlay District (RIO) and Metropolitan Corridor Plans along Roosevelt and S. Presa St.

**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 zoning changes are supported and directed by Resolution 2016-11-03-0033R and are in alignment with the goals of the land use plans, Mission Protection Overlay District (MPOD), the River Improvement Overlay District (RIO) and Metropolitan Corridor Plans along Roosevelt and S. Presa St.

**6. Size of Tract:**

The subject area is approximately 619.45 acres.

**7. Other Factors:**

None.