



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-5106

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 9/20/2018

**Title:** ZONING CASE # Z2018250 (Council District 1): Ordinance amending the Zoning District Boundary from "RM-4 UC-4 AHOD" Residential Mixed North Saint Mary's Street Urban Corridor Airport Hazard Overlay District and "C-3R UC-4 AHOD" General Commercial Restrictive Alcoholic Sales North Saint Mary's Street Urban Corridor Airport Hazard Overlay District to "IDZ UC-4 AHOD" Infill Development Zone North Saint Mary's Street Urban Corridor Airport Hazard Overlay District with uses permitted in "MF-65" Multi-Family District and "C-2" Commercial District on 0.588 acres out of NCB 829, located at 1817 North St. Mary's Street and 824 East Euclid Street. Staff and Zoning Commission recommend Denial, with an Alternate Recommendation, pending Plan Amendment. (Associated Plan Amendment 18078)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance

Date	Ver.	Action By	Action	Result
9/20/2018	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z2018250

(Associated Plan Amendment 18078)

**SUMMARY:**

**Current Zoning:** "RM-4 UC-4 AHOD" Residential Mixed North Saint Mary's Street Urban Corridor Airport Hazard Overlay District and "C-3R UC-4 AHOD" General Commercial Restrictive Alcoholic Sales North Saint Mary's Street Urban Corridor Airport Hazard Overlay District

**Requested Zoning:** "IDZ UC-4 AHOD" Infill Development Zone North Saint Mary's Street Urban Corridor Airport Hazard Overlay District with uses permitted in "MF-65" Multi-Family District and "C-2" Commercial District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 21, 2018. This case is continued from the July 17, 2018 and August 8, 2018 hearings.

**Case Manager:** Kayla Leal, Planner

**Property Owner:** Robert Melvin

**Applicant:** Robert Melvin

**Representative:** Patrick Christensen

**Location:** 1817 North St. Mary's Street and 824 East Euclid Street

**Legal Description:** 0.5880 acres out of NCB 829

**Total Acreage:** 0.588

**Notices Mailed**

**Owners of Property within 200 feet:** 23

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

**Applicable Agencies:** Fort Sam, Texas Department of Transportation

**Property Details**

**Property History:** The subject property is located within the 1938 Original City Limits of San Antonio and was zoned "J" Commercial District. The zoning changed to "R-2A" Three and Four Family Residence District and "B-3R" Restrictive Alcoholic Sales Business District, established by Ordinance 83331, dated December 14, 1995. The current "RM-4" Residential Mixed District and "C-3R" General Commercial Restrictive Alcoholic Sales District converted from the previous "R-2A" and "B-3R" base zoning districts upon adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001.

**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

**Current Base Zoning:** RM-4, R-6

**Current Land Uses:** Triplex, Four-Plex, Vacant Commercial Building

**Direction:** East

**Current Base Zoning:** C-3NA

**Current Land Uses:** Office Building, Parking Lot

**Direction:** South

**Current Base Zoning:** C-3

**Current Land Uses:** Office Building

**Direction:** West

**Current Base Zoning:** R-6

**Current Land Uses:** Single-Family Residential

**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.

“UC-4”

North St. Mary's Street Urban Corridor District (“UC-4”) provides standards for properties located on both sides of North St. Mary's Street, an arterial, between I.H. 35 and HWY 281 for a distance of two hundred (200) feet from the street right-of-way. Urban Corridors follow arterial streets or expressways in developed portions of the city and shall be directed toward reduction of existing visual clutter, improved design features, and preservation of developed areas of the city. A zoning review is performed by the Zoning Section of the Development Services Department.

### **Transportation**

**Thoroughfare:** North Saint Mary’s Street

**Existing Character:** Secondary Arterial Type B

**Proposed Changes:** None known

**Thoroughfare:** East Euclid Avenue

**Existing Character:** Local Street

**Proposed Changes:** None known

**Public Transit:** There is a bus stop directly in front of the subject property on North Saint Mary’s Street along Bus Routes 11 and 8.

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

**Parking Information:** Parking is waived per the requested “IDZ” base zoning district.

### **ISSUE:**

None.

### **ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation. The “RM-4” base zoning district permits the following uses: single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 4,000 square feet and a minimum lot width of 15 feet, public and private schools. The “C-3R” base zoning district is identical to the “C-3” base zoning district except that the sale of alcoholic beverages for on-premises consumption is prohibited. “C-3” 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.

### **FISCAL IMPACT:**

None.

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

The subject property is located within the Midtown Regional Center and is within a ½ mile of the New Braunfels Avenue Premium Transit Corridor.

### **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (8-3) recommend Denial, with an Alternate Recommendation of “IDZ UC-4 AHOD” Infill Development Zone North Saint Mary’s Street Urban Corridor Airport Hazard Overlay District with uses permitted in “MF-25” Multi-Family District and “C-2” Commercial District.

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

#### **1. Consistency:**

The subject property is located within the Tobin Hill Neighborhood Land Use Plan and is currently designated as “Low Density Residential” and “Low Density Mixed Use” in the land use component of the plan. The requested “IDZ” base zoning district is not consistent with the adopted land use designation of “Low Density Residential”. The requested density is not consistent with the adopted land use designation of “Low Density Mixed Use,” since the maximum density permitted in that category is associated with “MF-25.” The applicant is requesting a Plan Amendment to “High Density Mixed Use” in order to align the requested “IDZ” base zoning district and density with the Tobin Hill Neighborhood Plan. Staff recommended Denial, with an alternate recommendation of “Low Density Mixed Use.” The Planning Commission recommended Approval of staff’s recommendation for “Low Density Mixed Use.” The applicant is still seeking “High Density Mixed Use.”

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

Staff has found 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 requested “IDZ” base zoning district does not pose likely adverse impacts on neighboring lands, but the proposed density is too high for the surrounding area. There are single-family homes directly west of the property.

#### **3. Suitability as Presently Zoned:**

The existing “C-3R” and “RM-4” base zoning districts are appropriate for the surrounding area. The proposed commercial use on the corner of North St. Mary’s Street and East Euclid Street is consistent with the current zoning. The density of the proposed “MF-65” is not recommended directly adjacent to the single-family residential neighborhood.

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

Staff has not found any indication of likely adverse effects on the public health, safety, or welfare. The “IDZ” base zoning district does not indicate likely adverse effects on the public health, safety, or welfare. However, the proposed density of sixty-five (65) units per acre does indicate likely adverse effects.

#### **5. Public Policy:**

The request does appear to conflict with public policy objective. Staff recommends a lower density that is consistent with the Tobin Hill Neighborhood Plan.

## 6. Size of Tract:

The 0.588 acre site is of sufficient size to accommodate the proposed development. There are currently five (5) dilapidated structures on the subject property and are proposed to be demolished.

## 7. Other Factors:

Regarding the proposed demolitions, the Office of Historic Preservation provided the following statement:

*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. An application for demolition at 1817 N St Mary's was submitted to the Office of Historic Preservation. The neighborhood responded to this request by submitting a Request for Review of Historic Significance, requesting that the Historic & Design Review Commission review the designation eligibility of the structures on this lot. The Historic & Design Review Commission is scheduled to hear a review of Historic Significance of this property. OHP staff recommends approval of a Finding of Historic Significance and that the HDRC recommend designation of the property.*

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 following requirements:

- Master Plan's Policy for Growth Management - Policy 1g, because it makes physical improvements on an inner city property encouraging redevelopment and infill development.
- Master Plan's Policy for Economic Development - Goal 4, because it targets an area within Loop 410 and the southern sector.
- 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.
- Master Plan's Policy for Neighborhoods - Policy 1d, because it promotes conversion or adaptive reuse of vacant or underutilized commercial buildings to provide affordable infill housing.
- Master Plan's Policy for Neighborhoods - Policy 2b, because it creates mixed-use districts.
- Master Plan's Policy for Neighborhoods - Policy 4a, because it preserves and revitalizes housing and promotes targeted infill housing in neighborhoods, particularly older neighborhoods located inside Loop 410.
- 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.
- Master Plan's Policy for Urban Design - Policy 1e, because it allows zero setbacks for commercial and multi-family developments.

The subject property is located within the Fort Sam Houston Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JBSA was notified of the proposed request, and does not object.