



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-5188

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 8/8/2019

**Title:** ZONING CASE Z-2019-10700069 (Council District 1): Ordinance amending the Zoning District Boundary from "C-2 H UC-5 AHOD" Commercial Tobin Hill Historic McCullough Avenue Urban Corridor Airport Hazard Overlay District to "IDZ-2 H UC-5 AHOD" Medium Intensity Infill Development Zone Tobin Hill Historic McCullough Avenue Urban Corridor Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and eight (8) residential units on the north 150.7 feet of Lot 1, Block 30, NCB 392, located at 1524 McCullough Avenue. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location map, 2. Site Plan, 3. Ground Comparison Form, 4. Zoning Minutes, 5. Draft Ordinance, 6. Ordinance 2019-08-08-0604

Date	Ver.	Action By	Action	Result
8/8/2019	1	City Council A Session	Motion to Approve	Pass
8/8/2019	1	City Council A Session	Motion to Approve	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z-2019-10700069

**SUMMARY:**

**Current Zoning:** "C-2 H UC-5 AHOD" Commercial Tobin Hill Historic McCullough Avenue Urban Corridor Airport Hazard Overlay District

**Requested Zoning:** "IDZ-2 H UC-5 AHOD" Medium Intensity Infill Development Zone Tobin Hill Historic McCullough Avenue Urban Corridor Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and eight (8) residential units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** June 18, 2019.

**Case Manager:** Patricia Franco, Planner

**Property Owner:** John Lopez

**Applicant:** John Lopez

**Representative:** John Lopez

**Location:** 1524 McCullough Avenue

**Legal Description:** the north 150.7 feet of Lot 1, Block 30, NCB 392

**Total Acreage:** 0.194

**Notices Mailed**

**Owners of Property within 200 feet:** 18

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

**Applicable Agencies:** Fort Sam Houston

**Property Details**

**Property History:** The property was annexed by the City of San Antonio in 1905 and was part of the original 36 square miles of the 1936 City Limits and was originally zoned as "F" Local Retail District. The property converted from "F" to "C-2" Commercial District following the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

**Topography:** The subject property is not located within the 100-year flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "C-2"

**Current Land Uses:** Car Wash

**Direction:** East

**Current Base Zoning:** "C-2"

**Current Land Uses:** Vacant

**Direction:** South

**Current Base Zoning:** "C-2"

**Current Land Uses:** Restaurant

**Direction:** West

**Current Base Zoning:** "C-2"

**Current Land Uses:** Vacant house

**Overlay and Special District Information:**

"H"

The surrounding properties are located in the Tobin Hill Historic District, which was adopted in 2007 (Phase I) and 2008 (Phase II). Historic districts do not regulate use of the property, but do enforce building exterior design standards meant to maintain the architectural character or cultural significance of the designated area. Building plans and permit applications will be subject to review by the Office of Historic Preservation and the Historic and Design Review Commission (HDRC) prior to any permits being issued.

“UC”

The Urban Corridor overlay was established because there are many roadway corridors which have been and/or will continue to be very significant to the city. The corridors are important because they have shaped the sense of what individual neighborhoods are in their role as historic entrances to the city. Other corridors are significant because they serve as gateways to the city or because of surrounding natural, historic, cultural, and aesthetic areas. The establishment of “UC” serves to preserve, enhance, and perpetuate the value of specific roadway corridors.

"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.

### **Transportation**

**Thoroughfare:** McCullough Avenue

**Existing Character:** Secondary Arterial Type B 70'-86'

**Proposed Changes:** None Known

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

Routes Served: 5 and 204

**Traffic Impact:** A Traffic Impact Analysis (TIA) determination cannot be determined at this time.

**Parking Information:** For the residential portion of this property, the parking would be 1 space per resident and for commercial use, it is 1 space per 300 GFA; however, minimum parking space requirements for IDZ-2 uses enable the developer to reduce parking requirements by 50%. Therefore, the residential parking for this property is 1 space and commercial, 1 space per 150 GFA.

### **ISSUE:**

None.

### **ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of “C-2,” which accommodates 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 property is located within the Midtown Regional Center but and is within the I-10 and I-35 corridor buffer.

### **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (11-0) recommend Approval.

**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 Plan and is currently designated as “Low Density Residential” in the future land use component of the plan. The requested “IDZ-2” base zoning district is consistent with the adopted land use designation.

**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. The proposed use is consistent with the established development pattern of the surrounding area.

**3. Suitability as Presently Zoned:**

The existing “C-2” Commercial base zoning is an appropriate zoning district is appropriate for the surrounding area. The proposed “IDZ-2” is suitable to the area and provides the opportunity for consideration of a mixed use structure with both commercial and 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:**

The proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the Tobin Hill Neighborhood Plan:

**OBJECTIVE 2.2: HOUSING DESIGN GUIDELINES AND STANDARDS**

2.2.1 Encourage and facilitate the development of quality, compatible infill housing where appropriate. Compatible housing will maintain the historical and architectural integrity of the neighborhood and help to better utilize vacant and/or unkempt properties

2.2.3 Encourage mixed use development where appropriate

- Identify locations where the plan encourages mixed use and advocate for this at Zoning Commission, Planning Commission, and City Council hearings.
- Promote the Development Guidelines in the Land Use section of this document to help provide appropriate new development.

**6. Size of Tract:**

The subject property is 0.194 acres, which would adequately support infill development of commercial and residential uses.

**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 of 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.
- 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 Neighborhoods - Policy 4a, because it preserves and revitalizes housing and promotes targeted infill housing in neighborhoods, particularly older neighborhoods located inside Loop 410.
- 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 subject property is located within the Fort Sam Houston Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JB SA was notified of the proposed request.

**This property is located within the Tobin Hill Historic District. Any new construction will require approval from the Historic and Design Review Commission (HDRC). Approval of a site plan or materials submitted as part of a zoning application does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. To date, no application has been made to the Historic and Design Review Commission for this project. Additionally, based on the submitted site plan, there are conflicts with the Historic Design Guidelines and the proposed project. The Office of Historic Preservation staff recommends the applicant meet with the Design Review Committee and/or submit for conceptual approval from the HDRC before moving forward with the proposed site plan to Zoning and City Council.**