



# City of San Antonio

## Agenda Memorandum

**File Number:**18-5992

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**Agenda Item Number:** 19.

**Agenda Date:** 11/6/2018

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z2018344

(Associated Plan Amendment 18101)

**SUMMARY:**

**Current Zoning:** "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District, "C-2NA UC-3 AHOD" Commercial Nonalcoholic Sales Fredericksburg Road Urban Corridor Airport Hazard Overlay District, "C-2NA HL UC-3 AHOD" Commercial Nonalcoholic Sales Historic Landmark Fredericksburg Road Urban Corridor Airport Hazard Overlay District

**Requested Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District, "C-2 UC-3 AHOD" Commercial Fredericksburg Road Urban Corridor Airport Hazard Overlay District, "C-2 HL UC-3 AHOD" Commercial Historic Landmark Fredericksburg Road Urban Corridor Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 6, 2018

**Case Manager:** Daniel Hazlett, Planner

**Property Owner:** Albert Andry, Phillip Andry, Mitchell Andry, James M. Andry

**Applicant:** James M. Andry

**Representative:** James M. Andry

**Location:** 1414 Fredericksburg Road

**Legal Description:** Lot 2 thru Lot 10 and P-100, Block 48, NCB 2742 and Lot 10, Block 2, NCB 3244

**Total Acreage:** 1.6774

## **Notices Mailed**

**Owners of Property within 200 feet:** 37

**Registered Neighborhood Associations within 200 feet:** Keystone Neighborhood Association, Jefferson Neighborhood Association

**Applicable Agencies:** Planning Department, Office of Historic Preservation

## **Property Details**

**Property History:** The subject property was a part of the original 36-square miles of the City of San Antonio and was zoned “F” Local Retail District and “J” Commercial District. The property was rezoned from “F” and “J” to “B-2NA” Business Nonalcoholic Sales District by Ordinance 69074, dated March 16, 1989. 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:** The property does not include any abnormal physical features such as slope or incursion in a flood plain.

## **Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** “R-4”

**Current Land Uses:** Commercial Building, Single-Family Residences

**Direction:** East

**Current Base Zoning:** “I-1 S”, “I-1”

**Current Land Uses:** Oak Farms Dairy

**Direction:** South

**Current Base Zoning:** “I-1”, “R-6”, “C-3”

**Current Land Uses:** Car Repair, Single-Family Residence

**Direction:** West

**Current Base Zoning:** “C-3”, “C-2”

**Current Land Uses:** Office Building, Retail Shops

## **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”

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.

## **Transportation**

**Thoroughfare:** Fredericksburg Road

**Existing Character:** Secondary Arterial

**Proposed Changes:** None Known

**Thoroughfare:** Louise Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Public Transit:** VIA bus routes 95, 96, 97 and 296 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:**

The minimum parking required for Miniature Golf is 1 parking space per hole.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designations of “C-2NA” which are identical to C-2 districts except that the sale of alcoholic beverages is prohibited.

**FISCAL IMPACT:**

None.

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

The property is not located within a Regional Center. The property is located within ½ of a mile of the Zarzamora Premium Transit Corridor.

**RECOMMENDATION:**

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

**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 Near Northwest Community Plan and is currently designated as “Neighborhood Commercial” in the future land use component of the plan. The requested “C-2” base zoning district is not consistent with the future land use designation. The applicant is requesting a land use amendment from “Neighborhood Commercial” to “Community Commercial” to accommodate the proposed rezoning. Staff and Planning Commission recommend Approval of the Plan Amendment.

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

Staff finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request.

**3. Suitability as Presently Zoned:**

The current “C-2NA” base zoning is an appropriate base zoning for the property, however the requested “C-2” is also an appropriate base zoning along Fredericksburg Road.

#### **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 property at 1414 Fredericksburg Road is located within an Airport Hazard Overlay District and in the Keystone NA, and is a Historic Landmark. It is also located along a corridor buffer (Fredericksburg Road Corridor). Surrounding properties are zoned C-3, C-2NA, and UC-3. The part of the block facing Fredericksburg Road is identified as Neighborhood Commercial for future land use.

C2 and C2NA zoning are not allowed under the current Future Land Use designation - Neighborhood Commercial. Neighborhood Commercial land usage is aligned with the current community plan, and under the UDC definition of Neighborhood Commercial sale of alcohol is permitted in certain contexts. In the Near Northwest Community Plan, no specifications about alcohol were given, while in the UDC, Neighborhood Commercial allows alcohol to be sold if it is food incidental. The property sells food on the premises, so the change from C2NA to C2, and from Neighborhood Commercial to Community Commercial, is appropriate.

This area is located near a highway (IH 10) and along a major corridor, and is already zoned community commercial, so the only change is allowing alcohol to be sold on the premises. As a historic landmark, the property will likely not be demolished, and considered with the surrounding zoning, allowing alcohol would not be incongruous.

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

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 A5: Modify the UDC to reduce barriers to higher density development within a 1/2-mile of high capacity transit corridors.

HPCH Goal 4: Historic and cultural preservation is effectively used as a tool for economic development in San Antonio.

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

The subject properties are 1.6774 acres, which currently accommodates the Cool Crest Miniature Golf Course.

#### **7. Other Factors:**

This property is a locally designated historic landmark. Any proposed exterior alterations associated with the proposal will require approval from the Historic and Design Review Commission. Approval of a site plan or renderings submitted as part of a zoning application does not supersede any requirements for design review outlined in Article VI of the Unified Development Code.