



# City of San Antonio

## Agenda Memorandum

**File Number:**19-6042

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**Agenda Item Number:** 7.

**Agenda Date:** 8/20/2019

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z-2019-10700149

**SUMMARY:**

**Current Zoning:** "C-3 H UC-5 AHOD" General Commercial Monte Vista Historic McCullough Avenue Urban Corridor Airport Hazard Overlay District

**Requested Zoning:** "C-2 H UC-5 AHOD" Commercial Monte Vista Historic McCullough Avenue Urban Corridor Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 20, 2019

**Case Manager:** Michael Pepe, Planner

**Property Owner:** Smoke To Live 2012, Inc

**Applicant:** Itzhak Elgrably

**Representative:** Daniel Lei

**Location:** 107 West Ashby Place

**Legal Description:** East 2 feet of Lot 7 and the west 48 feet of Lot 8, NCB 1885

**Total Acreage:** 0.1148

**Notices Mailed**

**Owners of Property within 200 feet:** 25

**Registered Neighborhood Associations within 200 feet:** Monte Vista Historical Association, Tobin Hill

**Property Details**

**Property History:** The property is part of the original 36 Square Miles of San Antonio and was originally zoned "H" Local Retail District. The subject property converted from "H" to "C-3" General Commercial with the adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 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:** "C-3"

**Current Land Uses:** Single Family Dwelling

**Direction:** East

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

**Current Land Uses:** Retail Store

**Direction:** West

**Current Base Zoning:** "R-4 CD"

**Current Land Uses:** Professional Office

**Direction:** South

**Current Base Zoning:** "C-1"

**Current Land Uses:** Retail Store

**Overlay and Special District Information:**

"H"

The surrounding properties are located in the Monte Vista Historic District, which was adopted in 1975. 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:** Ashby

**Existing Character:** Collector

**Proposed Changes:** None Known

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

Routes Served: 3, 4, 5, 20, 90, 204

**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 parking minimum for a bed and breakfast is 0.3 spaces per room.

## **ISSUE:**

None.

## **ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of “C-3” General Commercial. 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.

The “C-2” Commercial districts accommodate 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 part of the not part of a regional center but it is within a premium transit corridor.

## **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends 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 not located within any Community, Neighborhood, or Sector Plan therefore a finding of consistency is not required.

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

Staff does not find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request.

**3. Suitability as Presently Zoned:**

The current “C-3” zoning is not appropriate for the property and surrounding area. The proposed “C-2” Commercial is an appropriate zoning for this property, as a transition between the commercial corridor of Main and the residential to the west. While “C-2” Commercial zoning would still allow commercial uses, the Historic protection already in place limits the changes to the buildings that could potentially impact nearby residential.

**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 subject property is not located within any Community, Neighborhood, or Sector Plan therefore a finding of consistency is not required.

**6. Size of Tract:**

The subject property is 0.1148 acres, which could reasonably accommodate Commercial uses.

**7. Other Factors:**

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.

This property is located within the Monte Vista Historic District. Any modifications or new construction will require written approval. Approval of a zoning change does not supersede any requirements for design review outlined in Article VI of the Unified Development Code.