



# City of San Antonio

## Agenda Memorandum

**File Number:**19-6731

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**Agenda Item Number:** Z-2.

**Agenda Date:** 9/19/2019

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z-2019-10700083

**SUMMARY:**

**Current Zoning:** "C-1 AHOD" Light Commercial Airport Hazard Overlay District, "C-1 UC-5 AHOD" Light Commercial McCullough Avenue Urban Corridor Airport Hazard Overlay District, "C-2 UC-2 AHOD" Commercial McCullough Avenue Urban Corridor Airport Hazard Overlay District and "RM-4 UC-5 AHOD" Residential Mixed McCullough Avenue Urban Corridor Airport Hazard Overlay District

**Requested Zoning:** "IDZ-1 AHOD" Limited Intensity Infill Development Zone with uses permitted for ten (10) residential units and "IDZ-1 UC-5 AHOD" Limited Intensity Infill Development Zone McCullough Avenue Urban Corridor Airport Hazard Overlay District with uses permitted for ten (10) residential units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 16, 2019

**Case Manager:** Mirko Maravi, Planner

**Property Owner:** Evergreen Street Holdings, LLC

**Applicant:** Evergreen Street Holdings, LLC

**Representative:** Patrick W. Christensen

**Location:** 307, 311 and 315 East Evergreen Street

**Legal Description:** Lot 8, Lot west 50.06 feet of 9, Lot 10 and east 6.06 feet of 9, Block 30, NCB 392

**Total Acreage:** 0.6504

## **Notices Mailed**

**Owners of Property within 200 feet:** 15

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

**Applicable Agencies:** Fort Sam Houston

## **Property Details**

**Property History:** The property was part of the original 36 square miles of the City of San Antonio and zoned "F" Local Retail District and "D" Apartment District. A portion of the property was rezoned from "F" Local Retail District to "R-2" Two Family Residence District and "F" Local Retail District to "B-2" Business District by Ordinance 83331, dated December 14, 1995. The other portion of the property was rezoned from "D" Apartment District to "B-1" Business District, by Ordinance 50517, March 15, 1979.

Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned "R-2" Two Family Residence District converted to the current "RM-4" Residential Mixed District, the property zoned "B-2" Business District converted to the current "C-2" Commercial District, and the property zoned "B-1" Business District converted to the current "C-1" Commercial District.

**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:** "IDZ" to allow for 10 residential dwelling units

**Current Land Uses:** vacant

**Direction:** South

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

**Current Land Uses:** Hospital

**Direction:** East

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

**Current Land Uses:** Cafe

**Direction:** West

**Current Base Zoning:** "MF-33"

**Current Land Uses:** Vacant

## **Overlay and Special District Information:**

"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:** East Evergreen Street

**Existing Character:** Local

**Proposed Changes:** None Known

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

**Routes Served:** 5, 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 minimum parking requirement for a multi-family use is 1.5 spaces per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of "RM-4". These districts provide areas for medium to high-density residential uses where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing a mixture of single-family, two-family and multi-family dwellings and open space where similar residential development seems likely to occur. The district regulations are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the area by requiring flexible yard and area standards. Mixed residential districts provide flexible density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas. Denial of the requested zoning change would also result in the subject property retaining the present zoning district designation of "C-1" and "C-2". These districts permit general commercial activities designed to serve the community such as repair shops, wholesale businesses, warehousing and limited retail sales with some outdoor display of goods. These districts promote a broad range of commercial operations and services necessary for large regions of the city, providing community balance. "C-1" districts accommodate neighborhood commercial uses which depend on a greater volume of vehicular traffic than an "NC" district. "C-1" uses are considered appropriate buffers between residential uses and "C-2" and "C-3" districts and uses. "C-2" districts accommodate commercial and retail uses that are more intensive in character than "NC" and "C-1" uses, and which generate a greater volume of vehicular traffic and/or truck traffic.

**FISCAL IMPACT:**

None.

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

The subject property is within the Midtown Regional Center and located within the Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (7-0) 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 Mixed Use” and “Medium Density Residential” in the future land use component of the plan. The requested “IDZ-1” base zoning district is consistent with the future land use designation.

## **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-1” Commercial District, “C-2” Commercial District and “RM-4” Residential Mixed District are appropriate zoning for the property and surrounding area.

## **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:

GOAL 2: HOUSING Improve the quality, appearance, and variety of existing and new housing for all ages while increasing home ownership and investment in the area.

GOAL 2.1.3 Identify dilapidated and vacant housing stock in the neighborhood and hold property owners of vacant property accountable for maintenance. Encourage them to find tenants or to sell the property to provide more opportunities for homeownership in the neighborhood.

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

The subject property is 0.6504 acres, which could reasonably accommodate multi-family use.

## **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.

### **"IDZ"**

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 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.

This zoning request includes the intention to demolish buildings recommended by the Historic and Design Review Commission for designation as historic landmarks. In accordance with the San Antonio City Unified

Development Code, the Office of Historic Preservation (OHP) 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. In response to a non-owner request, the Historic and Design Review Commission concurred with a finding of historic significance for this property on April 17, 2019. On June 6, 2019, City Council denied a request from the HDRC to initiate landmark designation, but stipulated that the building be deconstructed and materials salvaged as an example under the City's draft deconstruction and salvage ordinance. A demolition permit may be issued in accordance with the UDC once the stipulations have been met.