



# City of San Antonio

## Agenda Memorandum

**File Number:**20-3338

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**Agenda Item Number:** Z-14.

**Agenda Date:** 6/4/2020

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 7

**SUBJECT:**

Zoning Case Z-2020-11600026

(Associated Plan Amendment PA 2020-11600017)

**SUMMARY:**

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

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

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** April 21, 2020

**Case Manager:** Victoria Castro, Planner

**Property Owner:** Marylinda Rios

**Applicant:** Marylinda Rios

**Representative:** Marylinda Rios

**Location:** 1901 Fredericksburg Road

**Legal Description:** 0.41 acres out of NCB 6692

**Total Acreage:** 0.41

**Notices Mailed**

**Owners of Property within 200 feet:** 27

**Registered Neighborhood Associations within 200 feet:** Keystone & Jefferson, Woodlawn Lake and Monticello Park.

**Applicable Agencies:** Office of Historic Preservation and Planning Department.

### **Property Details**

**Property History:** The property was part of the original 36 square miles of San Antonio and originally zoned “B-2 NA” Business Nonalcoholic Sales District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property was converted from “B-2 NA” Business District to the current “C-2 NA” Commercial Nonalcoholic Sales 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:** “C-2”, “C-2NA” and “C-3”

**Current Land Uses:** Neighborhood Shopping Center

**Direction:** East

**Current Base Zoning:** “C-2” and “C-3”

**Current Land Uses:** Neighborhood Shopping Center

**Direction:** South

**Current Base Zoning:** “C-2NA”, “O-2”, and “C-2”

**Current Land Uses:** Drive Thru Bank and Retail Store

**Direction:** West

**Current Base Zoning:** “R-6” and “O-2”

**Current Land Uses:** Retail Store

### **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.

**"H"**

The surrounding properties are located in the Monticello Park Historic District, which was adopted on March 23, 1995. 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.

## **Transportation**

**Thoroughfare:** Fredericksburg Road

**Existing Character:** Secondary Arterial Type B (86')

**Proposed Changes:** None Known

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

Routs Served: 95, 96, 97, 100

**Traffic Impact:** A Traffic Impact Analysis (TIA) can't be determined at this time.

## **Parking Information:**

The minimum parking requirement for a single-family dwelling is 1 space per 100 square foot of Gross Floor Area.

## **ISSUE:**

None.

## **ALTERNATIVES:**

**Current:** The proposed "C-2" Commercial District 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.

The present zoning district designation of "C-2 NA" Commercial Nonalcoholic Sales District accommodates C-2 districts, except that the sale of alcoholic beverages is prohibited.

**Proposed:** The proposed "C-2" Commercial District 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 not within a Regional Center but it is within a Premium Transit Corridor.

## **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial. Zoning Commission (11-0) 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 located in the Near Northwest Community Plan and is currently designated "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 Plan Amendment to change the future land use to “Community Commercial”. Staff recommends Denial. Planning Commission recommends Approval.

## **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 some of the established “C-2” Commercial zoning in the area, but not with the current land use along the corridor of “Neighborhood Commercial.” It is likely that after the Plan was adopted the needed rezoning along the corridor did not occur. Staff’s recommends “C-1” Light Commercial which would allow the applicant’s proposed use and aligns with the current land use, however, “C-1” would require the applicant to go back to Zoning Commission for a recommendation.

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

The current “C-2 NA” Commercial Nonalcoholic Sales District is an appropriate zoning for the property and surrounding area. The base zoning designation would remain the same. The applicant seeks to remove the “NA” Nonalcoholic Sales restriction from the property, to allow alcohol sales in collaboration with a restaurant.

## **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 proposed rezoning does appear to conflict with the following goals, principles, and objectives of the Near Northwest Community Plan:

The Plan’s community goals, objectives and actions are for enhancing the pedestrian environment, ensuring high-quality mass transit and transit facilities. The Plan also encourages developing, revitalizing and improving the appearance of the area’s business corridors, increasing the number of residents shopping locally, encouraging the maintenance, rehabilitation and restoration of the area’s housing, protecting community character and promoting the area as a great place to live, work and play.

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

The subject property is 0.41 acres, which could reasonably accommodate commercial uses.

## **7. Other Factors:**

The applicant is requesting to rezone from “C-2NA” to “C-2” to open a restaurant that serves alcohol. A restaurant with alcohol sales can be accomplished in the “C-1” zoning district with proper permitting. The applicant has indicated that they prefer to keep the base “C-2” Commercial zoning.

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