



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 20, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Director

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

ZONING CASE Z-2024-10700157

**SUMMARY:**

**Current Zoning:** "O-1 UC-5 AHOD" Office Main Ave./McCullough Ave. Urban Corridor Overlay Airport Hazard Overlay District

**Requested Zoning:** "NC UC-5 AHOD" Neighborhood Commercial Main Ave./McCullough Ave. Urban Corridor Overlay Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 20, 2024

**Case Manager:** Alexa Retana, Zoning Planner

**Property Owner:** Cody Lockwood

**Applicant:** Cody Lockwood

**Representative:** Patrick Christensen

**Location:** 214 East Ashby Place

**Legal Description:** Lot 10, Block 3, NCB 1726

**Total Acreage:** 0.1779 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 41

**Registered Neighborhood Associations within 200 feet:** Tobin Hill Community Neighborhood Association, Monte Vista Historical Community Neighborhood Association, San Antonio Texas District One Resident Association

**Applicable Agencies:** Fort Sam Houston Army Base

### **Property Details**

**Property History:** The subject property is part of the original 36 square miles of the City of San Antonio and was originally zoned "F" Local Retail District. The property was rezoned by Ordinance 83331, dated December 14, 1995, and zoned "R-3" Multiple-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-3" Multiple-Family Residence District converted to "MF-33" Multi-Family District. The property was rezoned by Ordinance 99688, dated September 9, 2004, to the current "O-1" Office District

### **Code & Permitting Details:**

Fire Annual Permit Application - 24TMP-119920 – July 2024

**Topography:** The property does not include any abnormal physical features such as slope or incursion in a floodplain.

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

**Direction:** North

**Current Base Zoning:** C-2, MF-33, R-4

**Current Land Uses:** Architecture Office, Insurance Agency, Multi-Family, Single Family Dwellings

**Direction:** East

**Current Base Zoning:** C-3

**Current Land Uses:** Convenience Store, Plastic Fabrication, Bar, Single-Family Dwellings

**Direction:** South

**Current Base Zoning:** IDZ, MF-33, RM-4

**Current Land Uses:** Single-Family Dwellings, Multi-Family

**Direction:** West

**Current Base Zoning:** IDZ-1, MF-33

**Current Land Uses:** Single-Family Dwellings, Multi-Family, Law Office

### **Overlay District Information:**

The "AHOD" Airport Hazard Overlay District, due to the location of the property and its proximity to an airport or approach path, does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

The “UC-5” Main Ave./McCullough Ave. 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.

**Special District Information:**

None

**Transportation**

**Thoroughfare:** East Ashby Place

**Existing Character:** Collector

**Proposed Changes:** None

**Thoroughfare:** McCullough Avenue

**Existing Character:** Secondary Arterial Type B

**Proposed Changes:** None

**Public Transit:** There is public transit within walking distance of the subject property.

**Routes Served:** 5, 20, 90, 204

**Traffic Impact:** A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

**Parking Information:** The minimum parking requirement for Day Care Center – child and/or adult care is 1 space per 375 square feet of gross floor area.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "O-1" Office District permits small and medium office uses, banks, worship facilities, public and private school, employment agency, library, medical clinic, optician, interior decorator studio. Maximum building size is 10,000 square feet for individual buildings. Outdoor display or sale of merchandise is prohibited.

Proposed Zoning: "NC" Neighborhood Commercial District provides small areas for offices, professional services, service and storefront retail uses; all designed in scale with surrounding residential development. Building size is limited to 3,000 square feet. Examples of permitted uses: animal and pet services, fitness/health club, antique store, apparel and accessory store, bookstore, bakery, florist, gift shop, professional offices, music store, convenience store, and restaurant.

**FISCAL IMPACT:**

None

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

The subject property is located within the Midtown Regional Center and within ½ a mile of the New Braunfels Premium Transit Corridor and San Pedro 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 approval criteria below.

1. **Consistency:** The subject property is located within the Midtown Area Regional Center Plan, adopted in 2019, and is currently designated as “Neighborhood Mixed Use” in the future land use component of the plan. The requested “NC” 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. The proposed use is consistent with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The current "O-1" Office District is an appropriate zoning for the property and surrounding area. The proposed “NC” Neighborhood Commercial District is also appropriate. The property is surrounded by a mix of residential and commercial uses, making the proposed daycare use consistent with the area. The property fronts a collector street and has a Secondary Arterial to the side, which can adequately accommodate parking and ingress/egress. Additionally, the proposed development intends to utilize the existing structure, maintaining the aesthetic of the neighborhood.
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 request does not appear to conflict with any public policy. Relevant goals and objects of the Midtown Area Regional Center Plan may include:
  - Goal 1: Preserve the Midtown Area’s Distinct Character
    - o Preserve the Midtown Area’s essential character-defining elements: the diversity of people and the unique character of individual places and neighborhoods.
    - o Maintain buildings with exemplary historic character.
  - Goal 4: Support Unique, Mixed Activity Areas
    - o Accommodate growth while preserving distinct characteristics of each part of the Midtown Area and providing thoughtful transitions between uses.
  - Goal 11: Grow Unique Destinations
    - o Fortify Midtown Area destinations with complementary housing, education, employment, entertainment, and transportation choices

6. **Size of Tract:** The 0.1779-acre site is of sufficient size to accommodate the proposed commercial development.
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, JB SA was notified of the proposed request. The Military has indicated that there are no objections to this request.

Applicant is requesting the change of zoning to open a child day care.