



City of San Antonio

Agenda Memorandum

Agenda Date: December 19, 2023

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 1

SUBJECT:
ZONING CASE Z-2023-10700303

SUMMARY:

Current Zoning: “R-4” Residential Single-Family District, “RM-4” Residential Mixed District, “O-2” High Rise Office District, “C-2” Commercial District, “C-3R” General Commercial Restrictive Alcoholic Sales District, “C-3NA” General Commercial Nonalcoholic Sales District, and NCD-5 AHOD Beacon Hill Neighborhood Conservation Airport Hazard Overlay District.

Requested Zoning: “IDZ-2 NCD-5 AHOD” Medium Intensity Infill Development Zone Beacon Hill Neighborhood Conservation Airport Hazard Overlay District with uses permitted for 130 dwelling units

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: December 19, 2023

Case Manager: Forrest Wilson, Principal Planner

Property Owner: Youth Empowerment Services Inc.

Applicant: Michael N. Shackelford

Representative: Michael N. Shackelford

Location: 137 University Avenue

Legal Description: Lot 18, Block 8, NCB 2022

Total Acreage: 2.75 Acres

Notices Mailed

Owners of Property within 200 feet: 45

Registered Neighborhood Associations within 200 feet: Uptown and Beacon Hill

Applicable Agencies: None

Property Details

Property History: The subject property was part of the original 36 square miles of the City of San Antonio and a portion was originally zoned “D” Apartment District and a portion was zoned “J” Commercial District. The property was rezoned by Ordinance 86704, dated September 25, 1997 to “R-7” Small Lot Home District, “R-2” Two Family Residence District, “O-1” Office District, “B-2” Business District, “B-3R” Restrictive Business District, “B-3NA” Business Nonalcoholic Sales District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the portion of the property zoned “R-7” Small Lot Home District converted to “R-4” Residential Single-Family District, the portion zoned “R-2” Two Family Residence District converted to “RM-4” Residential Mixed District, the portion zoned “O-1” Office District converted to “O-2” High Rise Office District, the portion zoned “B-2” Business District converted to “C-2” Commercial District, the portion zoned “B-3R” Restrictive Business District converted to “C-3R” General Commercial Restrictive Alcoholic Sales District, and the portion zoned “B-3NA” Business Nonalcoholic Sales District converted to “C-3NA” General Commercial Nonalcoholic Sales District.

The property was replatted in 2015.

Code & Permitting Details:

INV-OYT-23-2550077857 – Overgrown Yard Investigation

INV-VOP-23-2590077859 – Overgrown Yard Investigation

INV-VOP-23-2590058047 – Overgrown Yard Investigation

INV-BDS-23-2670002432 – Property Maintenance Investigation

INV-BDS-23-2670000039 – Property Maintenance Investigation

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”, “C-3R”

Current Land Uses: Commercial, Single-Family

Direction: East

Current Base Zoning: “C-3”, “C-3NA”, “R-6”

Current Land Uses: Commercial, Single-Family

Direction: South

Current Base Zoning: “R-6”, “RM-4”

Current Land Uses: Single-Family

Direction: West

Current Base Zoning: “R-6”

Current Land Uses: Single-Family

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 _____ Neighborhood Conservation District (NCD-_) is an overlay zoning district that contains design guidelines for rehabilitation of existing residential and commercial development. Property owners, together with the Department of Planning and Community Development staff, develop the design guidelines. These guidelines can address building materials, height, size, massing, signage, sidewalk location, etc. A zoning review is performed by the Zoning Section of the Development Services Department.

Special District Information:

The Infill Development Zone (IDZ) District provides flexible standards for developments. IDZ may be approved as either a base zoning district or an overlay zoning district. Typically, IDZ gives flexibility to parking requirements, lots sizes, and setbacks.

Transportation

Thoroughfare: Fredericksburg Road

Existing Character: Principal

Proposed Changes: None known

Thoroughfare: University Avenue

Existing Character: Local

Proposed Changes: None known

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

Routes Served: 2, 202

Traffic Impact: A TIA study may be required based on the information provided at time of platting and/or permitting. The traffic generated by the proposed development does not exceed the threshold requirements. Development generates less than seventy-six (76) PHT Sec. 35-502. A TIA Report is Not Required.

Parking Information: “IDZ” reduces the minimum parking requirement by fifty percent. The minimum parking requirement is 1.5 spaces per unit.

ISSUE:

None

ALTERNATIVES:

Current Zoning: Single-family dwelling (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools. Single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 4,000 square feet and a minimum lot width of 15 feet, public and private schools. O-2 districts provide for the establishment of low to high-rise office buildings. Examples of permitted uses include offices, parks, and schools. Other uses listed as “permitted” in the UDC Nonresidential Use Matrix are only allowed as accessory uses to a primary and principal office use. A minimum 65 foot buffer zoned NC, C-1 or O-1 shall be provided when abutting residential uses or zoning. Outdoor display or sale of merchandise is prohibited. C-2 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. C-3R districts are identical to C-3 districts except that the sale of alcoholic beverages for on-premises consumption is prohibited. C-3NA districts are identical to C-3 districts except that the sale of alcoholic beverages is prohibited.

Proposed Zoning: Allows rezoning requests up to 50 units per acre, and uses permitted in “C-2” and “O-1.5”. All approved uses must be requested and stated within the ordinance. Provide flexible standards for setbacks and parking for the development and reuse of underutilized parcels within a qualifying area of the city. “IDZ-2” Medium Intensity Infill Development Zone allows rezoning requests up to 50 units per acre and uses permitted in “C-2” and “O-1.5”. All approved uses must be requested and stated within the ordinance. Provide flexible standards for setbacks and parking for the development and reuse of underutilized parcels within a qualifying area of the city.

The proposed “IDZ-2” would allow 130 units.

FISCAL IMPACT:

None

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

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

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Denial, with an alternate recommendation of “IDZ-2” Medium Intensity Infill Development Zone with uses permitted in MF-40.

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 and is currently designated as “Urban Mixed Use” in the future land use component of the plan. The requested “IDZ-2” base zoning district is consistent with the future land use designation.
- 2. Adverse Impacts on Neighboring Lands:** Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is not consistent with the established development pattern of the surrounding area.
- 3. Suitability as Presently Zoned:** The existing base zoning districts are not appropriate for the property and surrounding area given the property is split into several zoning districts and was re-platted into a single lot in 2015. The proposed “IDZ-2” is appropriate for the area, although the alternate recommendation of “IDZ-2” with uses permitted in MF-40 would allow the proposed change without the need for a plan amendment to the Midtown Regional Center Plan. Infill development characterized by the strategic use of available space within existing urban areas, offers a host of benefits, particularly when incorporating a mix of housing. The proposed zoning change will provide an alternative housing type to the area, which is consistent with the goals outlined in the Midtown Regional Center Plan. Additionally, the proposal aligns with the goals of the Strategic Housing Implementation Plan by providing additional housing stock to accommodate the City’s growing population.
- 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 objective of the Midtown Area Regional Center Plan. Goal 5: Broaden Housing Choices -Offer a range of housing types and price-points to meet the diverse needs of residents such as, seniors, students, families, and others. -Conserve existing affordable housing and the existing diverse mix of housing types, and expand affordable housing options. -Rehabilitate or redevelop housing that is in poor condition. -Focus most new housing development closer to multimodal transportation corridors.

Goal 5: Broaden Housing Choices

- Offer a range of housing types and price-points to meet the diverse needs of residents such as, seniors, students, families, and others.
 - Conserve existing affordable housing and the existing diverse mix of housing types and expand affordable housing options.
 - Rehabilitate or redevelop housing that is in poor condition.
 - Focus most new housing development closer to multimodal transportation corridors.
- 6. Size of Tract:** The 2.75 acre site is of sufficient size to accommodate the proposed development.

7. **Other Factors:** The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential uses. The applicant is requesting to build 119 units. The proposed rezoning includes a request to allow an 8 foot fence along the perimeter. This request can be permitted through the requested rezoning per 35-514 (c)(2)(D) of the Unified Development Code. In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation 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. To date, no application for demolitions at this site to accommodate the proposed use has been submitted for review to the Office of Historic Preservation. There are historic age structures present on these properties. A 30-day review period is required for demolition.

The proposed rezoning includes a request to allow an 8-foot fence along the perimeter of the property. This request can be permitted through the requested rezoning per 35-514 (c)(2)(D) of the Unified Development Code.

In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation 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. To date, no application for demolitions at this site to accommodate the proposed use has been submitted for review to the Office of Historic Preservation. There are historic age structures present on these properties. A 30-day review period is required for demolition.