



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 5, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

ZONING CASE Z-2023-10700239

**SUMMARY:**

**Current Zoning:** "C-3NA S NCD-5 AHOD" General Commercial Nonalcoholic Sales Beacon Hill Area Neighborhood Conservation District Overlay Airport Hazard Overlay District with a Specific Use Authorization for Warehousing and Open Storage

**Requested Zoning:** "IDZ-2 NCD-5 AHOD" Medium Intensity Infill Development Zone Beacon Hill Area Neighborhood Conservation District Overlay Airport Hazard Overlay District with uses permitted for thirty-three (33) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 5, 2023. This case is continued from the October 3, October 17, and November 7, 2023 meetings

**Case Manager:** Kellye Sanders, Planning Coordinator

**Property Owner:** Bulletfund VIII, LLC

**Applicant:** Bulletfund VIII,

**Representative:** Killen, Griffin & Farrimond, PLLC

**Location:** 1010 West Ashby Place

**Legal Description:** Lots 29 through 37, Block 2, NCB 3597

**Total Acreage:** 1.528

**Notices Mailed**

**Owners of Property within 200 feet:** 52

**Registered Neighborhood Associations within 200 feet:** Alta Vista & Beacon Hill Area

**Applicable Agencies:** Office of Historic Preservation, Planning Department

**Property Details**

**Property History:** The subject property was located within the original 36 square miles of the City of San Antonio and zoned “J” Commercial District. The property was rezoned by Ordinance 86704, dated September 25, 1997, to “B-3NA SUP” Business, Non-alcoholic Sales District with a Special Use Permit for Outside Storage and Warehousing. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-3NA SUP” Business, Non-alcoholic Sales District with a Special Use Permit for Outside Storage and Warehousing converted to the current “C-3NA S” General Commercial Nonalcoholic Sales District with a Specific Use Authorization for Warehousing and Outside Storage.

**Code & Permitting Details:**

Violation of outside storage standards (INV-ZCD-23-3140001027) – March 2023

There is no permitting history for the subject property.

**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-3NA CD for Outside Storage and Warehousing

**Current Land Uses:** Commercial Cabinetry Manufacturer

**Direction:** South

**Current Base Zoning:** R-6, R-4

**Current Land Uses:** Residential Dwellings

**Direction:** East

**Current Base Zoning:** UZROW, R-4

**Current Land Uses:** Railroad, Residential Dwellings

**Direction:** West

**Current Base Zoning:** C-3 NA CD for Outside Storage and Warehousing, R-6

**Current Land Uses:** Plastic Fabrication, Residential Dwellings

**Overlay District Information:**

The Beacon Hill Area Neighborhood Conservation District (NCD-5) 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.

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.

**Special District Information:**

N/A

**Transportation**

**Thoroughfare:** West Ashby Place

**Existing Character:** Collector

**Proposed Changes:** None known

**Thoroughfare:** Aganier Avenue

**Existing Character:** Local

**Proposed Changes:** None known

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

**Routes Served:** 2, 20, 202

**Traffic Impact:** A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.

**Parking Information:** The minimum parking requirement for Multi-Family Dwelling is 1.5 per unit. The maximum parking requirement for Multi-Family Dwelling is 2 per unit.

"IDZ-2" waives the minimum parking requirement by 50%.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "C-3NA" General Commercial Nonalcoholic Sales Districts are identical to C-3 districts except that the sale of alcoholic beverages is prohibited.

Proposed Zoning: "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 "IDZ-2" is for uses permitted for thirty-three (33) dwelling units

**FISCAL IMPACT:**

None

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

Subject property is not located with a Regional Center, but is within ½ a mile from the New Braunfels 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 Neighborhoods Plan, adopted October 2000, and is currently designated as "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 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 "C-3NA S" General Commercial Nonalcoholic Sales District with a Specific Use Authorization for Warehousing and Open Storage is an appropriate zoning for the property and surrounding area. The proposed "IDZ-2" Medium Intensity Infill Development Zone District with uses permitted for thirty-three (33) dwelling units is also appropriate. The surrounding properties are a mix of heavy commercial and single-family residential uses, developed within the 1940s to 1970s, with no appropriate intermediate zoning development to transition between the conflicting intensity of uses. The proposed multi-family development will create a buffer for the single-family uses to the east and south from the plastic fabrication company and commercial cabinetry manufacturer to the north and west. Additionally, the proposed zoning will provide additional mixed housing stock to accommodate the City's growing population, aligning with the Strategic Housing Implementation Plan.
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. Relevant Goals and Policies of the Comprehensive Plan may include:
  - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
  - GCF Policy 8: Continue to focus on the revitalization of neighborhoods adjacent to downtown and extend these efforts to regional centers, urban centers and transit corridors.

- GCF Policy 14: Establish appropriate buffers and transitions (land use, form, and/or landscaping) between residential neighborhoods and surrounding higher-density development.
- H Goal 2: A variety of housing types (single-family detached, single-family attached, multifamily, as well as ownership and rental opportunities) is available at a variety of price and rent levels.
- H Goal 3: Housing choices are available in walkable and bikeable neighborhoods located near transit, employment, retail, medical and recreational amenities
- H Goal 5: High-density housing choices are available within the city's 13 regional centers and along its arterial and transit corridors.
- H Goal 6: Infill development and revitalized neighborhoods provide a range of housing choices near the city center.
- Housing Policy 30: Ensure infill development is compatible with existing neighborhoods.

Relevant Goals and Strategies of the Midtown Neighborhoods Plan may include:

- Objective 2.2: Housing Character: Maintain the historic character of the neighborhoods' housing while building on the increased demand for area homes to attract reinvestment by new families.
- Objective 2.3: Home Improvement and Maintenance: Improve the condition, appearance and maintenance of the neighborhoods' housing and yards.

6. **Size of Tract:** The 1.528 acre site is of sufficient size to accommodate the proposed residential development.
7. **Other Factors:** 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 demolition at this address 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 applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential uses. The applicant is proposing thirty-three (33) dwelling units.

The proposed rezoning is seeking additional density for use as residential dwelling units. A rezoning application does not allow Short Term Rentals (STRs) as a use by right. Any applicant seeking to operate an STR must follow the appropriate City and Unified Development Code (UDC) processes and is required to apply and qualify for STR permit(s) through those processes. Short Term Rentals are governed by the UDC Section 16.1100. Also see Section 35-374.01 for STR density limitations, Section 35-399 for establishment regulations, and Section 35-482 for procedures regarding consideration of special exceptions.