



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 1, 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-2022-10700165 CD

**SUMMARY:**

**Current Zoning:** "R-4 H UC-5 AHOD" Residential Single-Family Historic Monte Vista Main Avenue/McCullough Avenue Urban Corridor Airport Hazard Overlay District

**Requested Zoning:** "R-4 CD H UC-5 AHOD" Residential Single-Family Historic Monte Vista Main Avenue/McCullough Avenue Urban Corridor Airport Hazard Overlay District with a Conditional Use for a Gift Shop

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 1, 2023

**Case Manager:** Camryn Blackmon, Zoning Planner

**Property Owner:** William Varney

**Applicant:** Paul Fletcher

**Representative:** Paul Fletcher

**Location:** 137 East Woodlawn Avenue

**Legal Description:** the east 38 feet of Lot 23 and the west 12 feet of Lot 24, Block 16, NCB 1705

**Total Acreage:** 0.16 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 80

**Registered Neighborhood Associations within 200 feet:** Monte Vista Historical Association, Tobin Hill Community

**Applicable Agencies:** Fort Sam Houston, Office of Historic Preservation

### **Property Details**

**Property History:** The property was part of the original 36 square miles of the City of San Antonio and originally zoned "D" Apartment District. With adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the property zoned "D" Apartment District converted to "MF-33" Multi-Family District. The property was rezoned by Ordinance 2020-12-03-0861, dated December 13, 2020, to the current "R-4" Residential Single-Family.

**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:** "R-4 CD" "C-2" "O-1 CD"

**Current Land Uses:** Army Recruitment Office, Bakery, Dance School

**Direction:** South

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

**Current Land Uses:** Gym, Residential Dwelling

**Direction:** East

**Current Base Zoning:** "R-4"

**Current Land Uses:** Residential Dwelling

**Direction:** West

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

**Current Land Uses:** Residential Dwelling

### **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 "MLOD-2" Lackland Military Lighting Overlay District does not restrict permitted uses, but does regulate outdoor lighting in an effort to minimize night-time light pollution and its effects on operations at the military installation.

**Special District Information:** N/A.

**Transportation**

**Thoroughfare:** Woodlawn Avenue

**Existing Character:** Secondary Arterial B

**Proposed Changes:** None Known

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

**Routes Served:** 5, 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 a gift shop is 1 space per 300 square feet of gross floor area.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "R-4" Residential Single-Family permits dwellings (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.

Proposed Zoning: "R-4 CD" Residential Single-Family permits dwellings (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.

The "CD" Conditional Use would allow a gift shop on the property, in addition to the current residential use.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center, but is within ½ mile of the New Braunfels Avenue Premium Transit Corridor and the 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 not located within a Neighborhood, Community, or Sector Plan therefore a finding of consistency is based on existing and surrounding zoning and uses.

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 “R-4” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “R-4 CD” Residential Single-Family District with a Conditional Use for a Gift Shop is also appropriate. There are a variety of zoning designations on the block, with land uses including multi-family residential, retail, restaurants, salon/spa services and office space. The proposed “R-4 CD” maintains the base residential zoning district for the existing residence but adds consideration of the gift shop use. The requested “CD” Conditional Use requires a prescribed site plan and with nonresidential uses in residential districts, there are standard conditions imposed to ensure that the home maintains its residential appearance to preserve the character 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 objectives of the SATomorrow Comprehensive Plan:
  - GCF Goal 2: Priority growth areas attract jobs and residents.
  - GCF Goal 4: Sustainable infill and mixed-use development provide walkable and bikeable destinations for all residents.
  - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
  - GCF P8: Continue to focus on the revitalization of neighborhoods adjacent to downtown and extend these efforts to regional centers, urban centers and transit corridors.
6. **Size of Tract:** The subject property is 0.16 acres, which can accommodate the proposed development.
7. **Other Factors:** The applicant intends to rezone to “R-4 CD” to develop a Gift Shop within an existing residential structure.

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.

The purpose of the Conditional Use is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but may, under the right set of circumstances and conditions be acceptable in certain specific locations.

The following conditions shall apply to the operation of nonresidential uses permitted within any residential district, unless otherwise approved by the City Council:

- A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- B. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
- C. Business hours operation shall not be permitted before 7:00 a.m. or after 6:00 p.m.

This property is located within the Monte Vista 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.

The applicant's site plan notes a "Rental." 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.