



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 15, 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-2023-10700178 CD

**SUMMARY:**

**Current Zoning:** "R-6 CD H UC-4 AHOD" Residential Single-Family Tobin Hill Historic North St. Mary's Street Urban Corridor Overlay Airport Hazard Overlay District with Conditional Use for a Day Care Center and "R-6 CD H AHOD" Residential Single-Family Tobin Hill Historic Airport Hazard Overlay District with Conditional Use for a Day Care Center

**Requested Zoning:** "R-5 CD H UC-4 AHOD" Residential Single-Family Tobin Hill Historic North St. Mary's Street Urban Corridor Overlay Airport Hazard Overlay District with a Conditional Use for a Professional Office and "R-5 CD H AHOD" Residential Single-Family Tobin Hill Historic Airport Hazard Overlay District with a Conditional Use for a Professional Office

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 15, 2023

**Case Manager:** Ann Benavidez, Zoning Planner

**Property Owner:** Courtland Place Partners LLC

**Applicant:** Courtland Place Partners LLC

**Representative:** Patrick Christensen, PLLC

**Location:** 530 East Courtland Place

**Legal Description:** The east 33 feet of Lot 13, Block 3, NCB 2964

**Total Acreage:** 0.1182 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 26

**Registered Neighborhood Associations within 200 feet:** Tobin Hill Community Neighborhood Association

**Applicable Agencies:** Fort Sam Houston, Planning Department

**Property Details**

**Property History:** The property was part of the original 36 square miles of the City of San Antonio and was originally zoned "D" Apartment District. The property was rezoned by Ordinance 83331, dated December 14, 1995, to "R-1 CC" Single-Family Residence District with City Council Approval for A Child Day Care Center. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-1 CC" Single-Family Residence District with City Council Approval for A Child Day Care Center converted to the current "R-6 CD" Residential Single-Family District with a Conditional Use for a Daycare Center.

**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-3"

**Current Land Uses:** Bar, Parking Lot

**Direction:** South

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

**Current Land Uses:** Residential Dwelling

**Direction:** East

**Current Base Zoning:** "R-6 IDZ CD"

**Current Land Uses:** Restaurant

**Direction:** West

**Current Base Zoning:** "R-6"

**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 Tobin Hill Historic District, is an overlay district which was adopted in December 9, 2007 and March 16, 2008. This district does not regulate use of the property, but does 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.

The "UC-4" North St. Mary's Street 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:**

No special district information.

**Transportation**

**Thoroughfare:** East Courtland Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** Kendall Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** North Saint Mary's Street

**Existing Character:** Local Street

**Proposed Changes:** North St. Mary's (East Mistletoe Ave to West Josephine) -- Improve N. St. Mary's from Mistletoe to Josephine including sidewalk connectivity, intersection improvements and signal enhancements as appropriate and within available funding.

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

**Routes Served:** 5, 8, 20

**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 professional office is 1 parking space per 300 square feet.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "R-6" Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools. The current "CD" Conditional Use permits a daycare facility of the property.

Proposed Zoning: "R-5" Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, public and private schools.

If approved, the "CD" Conditional Use would permit a professional office on the property.

**FISCAL IMPACT:**

None.

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

The subject property is located within the Midtown Regional Center and is within a ½ mile of the New Braunfels Ave Metro Premium Plus 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 and is currently designated as "Urban Low Density Residential" in the future land use component of the plan. The requested "R-5 CD" 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. The property already accommodates an existing commercial use. The residential base zoning district will ensure that the structure maintains a residential exterior aesthetic despite accommodating a commercial use.
3. **Suitability as Presently Zoned:** The current "R-6 CD" Residential Single-Family District with a Conditional Use for a Day Care is an appropriate zoning for the property and surrounding area. The proposed "R-5 CD" Residential Single-Family District with a Conditional Use for a Professional Office is also appropriate. The property is at the front of a residential neighborhood but is already zoned for a commercial use. Google Imagery reflects that the subject property has been a functioning daycare continuously since April of 2011. The "CD" Conditional Use allows consideration for a Professional Office, another low intensity commercial use, with a prescribed site plan that reflects no new construction.

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 Midtown Area Regional Center Plan:
  - Goal 1: Preserve Midtown's Distinct Character
    - Preserve Midtown's essential character-defining elements: the diversity of people and the unique character of individual places and neighborhoods.
  - Goal 4: Support Unique, Mixed Activity Areas
    - Foster an appropriate mix, density, and orientation of land uses in each part of Midtown to maintain the character of unique places, such as the North St. Mary's Street music culture.
  - Goal 9: Promote Health and Sustainability
    - Encourage concentrations of places to live, work, and play.
6. **Size of Tract:** The subject property is 0.1182 acres, which can reasonably accommodate the proposed professional office development.
7. **Other Factors:** The applicant intends to rezone to "R-4 CD" to allow for the existing structure to accommodate a Professional Office.

The Conditional Use zoning procedure is designed to provide for a land use that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

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 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.