



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 12, 2023

**In Control:** City Council Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

ZONING CASE Z-2023-10700199 CD

**SUMMARY:**

**Current Zoning:** "R-4 H AHOD" Residential Single-Family Monte Vista Historic Airport Hazard Overlay District

**Requested Zoning:** "R-4 CD IDZ H AHOD" Residential Single-Family Infill Development Zone Overlay Monte Vista Historic Airport Hazard Overlay District with a Conditional Use for Professional Office

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 5, 2023

**Case Manager:** Vincent Trevino, Senior Planner

**Property Owner:** Raymond A. Cowley & Patricia E. Cowley

**Applicant:** Headwall Investments, LLC

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

**Location:** 127 East Ashby Place

**Legal Description:** Lot 15, NCB 1724

**Total Acreage:** 0.169

**Notices Mailed**

**Owners of Property within 200 feet:** 30

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

**Applicable Agencies:** Fort Sam Houston, 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 "D" Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 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 3, 2020, to the current "R-4" Residential Single-Family District.

**Code & Permitting Details**

There is no relevant code enforcement 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:** R-4

**Current Land Uses:** Single-Family Residences

**Direction:** South

**Current Base Zoning:** MF-33, C-2, IDZ-1 for MF-18 and NC uses

**Current Land Uses:** Multi-Family, Single-Family Residence, Office

**Direction:** East

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

**Current Land Uses:** Single-Family Residence, Fourplex, Wholesale Retail, Retail

**Direction:** West

**Current Base Zoning:** R-4, R-4 CD for Professional Office, C-2

**Current Land Uses:** Single-Family Residence, Office, Beauty Shop, Vacant Building

**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 Monte Vista Historic District is an overlay district which was adopted in May 2021. 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.

**Special District Information:**

N/A

**Transportation**

**Thoroughfare:** East Ashby Place

**Existing Character:** Collector

**Proposed Changes:** None known

**Thoroughfare:** Ogden Street

**Existing Character:** Local

**Proposed Changes:** None known

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

**Routes Served:** 20, 90

**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 Dwelling – 1 Family is 1 per unit, with no maximum. The minimum parking requirement for Professional Office is 1 per 300 sf GFA and the maximum is 1 per 140 sf GFA.

“IDZ” as an overlay district waives the minimum parking requirement.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: “R-4” Residential Single-Family permits 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.

Proposed Zoning: “R-4 CD” Residential Single-Family permits 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.

The proposed Conditional Use would allow a Professional Office.

**FISCAL IMPACT:**

None

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

Subject property is not located within a Regional Center, but within ½ a mile from the New Braunfels Avenue Premium Transit Corridor

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval. Zoning Commission recommends Denial.

**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 Monte Vista Plan, findings of consistency are 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. Surrounding properties are “R-4” Residential Single-Family District.
3. **Suitability as Presently Zoned:** The existing “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 Professional Office is also appropriate. If approved, the professional office will take place in the existing structure. There is an existing “R-4 CD” with a Conditional Use for Professional Office only two doors down from the property and commercial uses at the corner properties of the block face. The request maintains the base “R-4” Residential Single-Family District and the “CD” Conditional Use allows a Professional Office and holds the development to a prescribed site plan to include building dimensions and square footages; deviation from the considered site plan could warrant additional City Council review.

If recommended for Approval, the following standard Conditions 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.
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 SA Tomorrow Comprehensive Plan may include:

- GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
- GCF Policy 14: Establish appropriate buffers and transitions (land use, form, and/or landscaping) between residential neighborhoods and surrounding higher-density development.
- Housing Policy 30: Ensure infill development is compatible with existing neighborhoods.

Relevant Goals of the Monte Vista Neighborhood Plan may include:

- To continue to encourage the use of structures as single-family, owner-occupied residences (pg. viii)
- To structure zoning so that mixed use areas or sections bounded by commercial traffic have compatible adjoining buffer properties (pg .viii)
- To reconcile inconsistencies in land use and zoning so that the appearance and livability of the area are assured (pg. viii)
- The primary goal of the Monte Vista Neighborhood is to protect and enhance the quality of residential life in the neighborhood. Single-family residential units make up the largest part of our housing stock and are one of the unique strengths of this inner-city neighborhood. Our highest priority must be to encourage and maintain the strongest possible core of single-family housing. Monte Vista also has an excellent selection of apartment and duplex stock and their preservation is important to the residential character of the neighborhood. This overall policy should guide every decision on Zoning and Land Use which affects this area. Above all, in compliance with the Historic Ordinance, there should be no further demolition of viable housing stock in the Monte Vista Neighborhood (pg. ix)
- Zoning and Land Use A: To continue to encourage use of structures as single family, owner- occupied residences.
- Zoning and Land Use B. To structure zoning so that mixed-use areas or sections bounded by commercial traffic have compatible adjoining properties. As an example: place a buffer zone of light office use between business and residential lots
- Zoning and Land Use D. To make the Monte Vista Neighborhood a model for neighborhood housing conservation through the maintenance of the present number of housing units and the variety of high-quality housing stock available to many income levels. Viable housing stock should not be demolished.
- Housing A: Improve and maintain the existing housing stock.
- Housing B: Prevent the demolition of any viable housing stock. Seek to retain the essential residential nature of the neighborhood and the total number of available housing units.
- Housing H. No conversions of residences to businesses or offices.

**6. Size of Tract:** The 0.169 acre site is of sufficient size to accommodate the proposed office 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.

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 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 applicant is rezoning to develop a professional office.

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

- D. 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.
- E. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
- F. Business hours operation shall not be permitted before 7:00 a.m. or after 6:00 p.m.