



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** April 16, 2024

**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-2024-10700027

(Associated Plan Amendment Case PA-2024-11600008)

**SUMMARY:**

**Current Zoning:** "C-3NA NCD-5 AHOD" General Commercial Nonalcoholic Sales Beacon Hill Neighborhood Conservation Overlay Airport Hazard Overlay District and "O-2 NCD-5 AHOD" High-Rise Office Beacon Hill Neighborhood Conservation Overlay Airport Hazard Overlay District

**Requested Zoning:** "IDZ-3 NCD-5 AHOD" High Intensity Infill Development Zone Beacon Hill Neighborhood Conservation Overlay Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, Tattoo Parlor, and Bar/Tavern

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** April 16, 2024. This case was continued from March 19, 2024.

**Case Manager:** Alexa Retana, Zoning Planner

**Property Owner:** LCP Beacon Hill, LLC

**Applicant:** LCP Beacon Hill, LLC

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

**Location:** 708 Fredericksburg Road

**Legal Description:** Lot 24, Lot 25, and Lot 26, Block 2, NCB 3031

**Total Acreage:** 0.2174 Acres

**Notices Mailed**

**Owners of Property within 200 feet:** 37

**Registered Neighborhood Associations within 200 feet:** Beacon Hill Area Neighborhood Association and Uptown Neighborhood Association

**Applicable Agencies:** Planning Department

**Property Details**

**Property History:** The subject property was part of the original 36 square miles of the City of San Antonio and was originally zoned "B" Residence District. The property was split zoned by Ordinance 86704, dated September 25, 1997, the West portion was rezoned to "B-3NA" Business, Nonalcoholic Sales District, and the East portion to "O-1" Office District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the portion zoned "B-3NA" Business, Nonalcoholic Sales District converted to the current "C-3NA" General Commercial Nonalcoholic Sales District, and the portion zoned "O-1" Office District converted to the current "O-2" High-Rise Office District.

**Code & Permitting Details:**

COO-NOCONST24-37900116: Certificate of Occupancy – No Constructions

**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," "R-6"

**Current Land Uses:** Commercial Building, Single-Family Residential

**Direction:** South

**Current Base Zoning:** "C-3NA,"

**Current Land Uses:** Commercial Building, Church

**Direction:** East

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

**Current Land Uses:** Parking Lot, Single-Family Residential

**Direction:** West

**Current Base Zoning:** "R-6," "C-2NA"

**Current Land Uses:** Church, Commercial 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 Beacon Hill 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.

**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:** Minor

**Proposed Changes:** None known.

**Thoroughfare:** West Ashby Place

**Existing Character:** Collector

**Proposed Changes:** None known.

**Public Transit:** There are VIA bus routes within a ½ mile of the subject property.

**Routes Served:** 2, 20, 202, 90, 95, 96, 97, 296, 289

**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-3” reduces the minimum parking requirement by fifty percent. The minimum parking requirement for “Tattoo Parlor” is 1 space per 300 sf GFA. The minimum parking requirement for “Bar/Tavern” is 1 space per 100 sf of GSF.

**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.

“O-2” High-Rise Office 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.

Proposed Zoning: “IDZ-3” High Intensity Infill Development Zone allows rezoning requests of unlimited density, and uses permitted in “C-3”, “O-2” and “I-1”. All approved uses and maximum density 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-3” would allow for uses permitted in “C-2” Commercial District, Tattoo Parlor, and Bar/Tavern.

**FISCAL IMPACT:**

None.

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

The subject property is located within the SA Tomorrow Midtown Regional Center and within a ½ mile of the Fredericksburg Metro Premium Plus, New Braunfels Avenue Metro Premium Plus, and Bandera Metro Premium Transit Corridors.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff 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 Midtown Neighborhoods Plan adopted November 2005 and is currently designated as “Mixed Use” and “Medium Density Residential” in the future land use component of the plan. The requested “Mixed Use” base zoning district is consistent with a majority of the property but a portion of the request begins encroaching into the established “Medium Density Residential” land use. Staff recommends Denial. Planning Commission recommendation pending the March 13, 2019, hearing.
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. The surrounding properties are established “C-3NA” General Commercial Nonalcoholic Sales and “R-6” Residential Single-Family zoning districts and uses.
3. **Suitability as Presently Zoned:** The existing “C-3NA” General Commercial Nonalcoholic Sales District and “O-2” High-Rise Office District are appropriate zonings for the property and surrounding area. The proposed “IDZ-3” High Intensity Infill Development Zone with uses permitted in “C-2” Commercial District, Tattoo Parlor, and Bar/Tavern is not appropriate. The subject property is located within a corridor as is desired per the Neighborhood Plan. The current zoning is adequate to accommodate general commercial uses, retail shops and the

proposed Tattoo Parlor. The properties within this Corridor however, do not permit alcohol sales as designated with the “NA” Nonalcoholic Sales Overlay. Thus, the only use the applicant cannot currently utilize per the current zoning is a Bar/Tavern. The elimination of the “NA” Nonalcoholic Sales portion of the current base zoning for the use of a “Bar/Tavern” would be contradictory to previous developments along the Corridor.

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 public policy objectives of the Midtown Neighborhoods Plan. The Plan does encourage business in certain areas with site constraint considerations.

#### Objective 1.3: Business Development

- 1.3.5. Encourage businesses to locate in identified neighborhood commercial centers along Blanco, Fredericksburg, Hildebrand, Flores, and San Pedro (see Land Use Plan). In addition to business development, encourage higher-density residential or live/work units to provide for a mix of uses in or near the area’s commercial centers.
    - Neighbors have expressed an interest in attracting: a grocery store, restaurants (possibly one in the former Gloworm location at North Flores and Ashby), additional shopping, daycare, family physicians, a bakery, a coffee shop, a hardware store, a fitness/exercise center, a deli, a bookstore, a movie theater, antique stores, specialty shops, a “corner” drug store with a soda fountain, an ice cream store and a fabric store.
    - Site constraints, include parking, help determine whether a business is appropriate.
6. **Size of Tract:** The 0.2174-acre site is of sufficient size to accommodate the proposed commercial development.
  7. **Other Factors:** The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates commercial uses.

The applicant is requesting “IDZ-3” High Intensity Infill Development Zone with uses permitted in "C-2" Commercial District, Tattoo Parlor, and Bar/Tavern.