



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 17, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Director

**COUNCIL DISTRICTS IMPACTED:** District 2

**SUBJECT:**

ZONING CASE Z-2024-10700225

(Associated Plan Amendment Case PA-2024-11600072)

**SUMMARY:**

**Current Zoning:** "IDZ-2 HL AHOD" Medium Intensity Infill Development Zone Historic Landmark Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and Bar and/or Tavern without cover charge 3 or more days per week

**Requested Zoning:** "IDZ-2 HL AHOD" Medium Intensity Infill Development Zone Historic Landmark Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and Bar and/or Tavern without cover charge 3 or more days per week with a Major Site Plan Amendment to increase overall building square footage and reduce perimeter setbacks

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 17, 2024

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

**Property Owner:** Agua Verde Enterprises Inc

**Applicant:** Michael Perez

**Representative:** Development Services Department

**Location:** 419 South Hackberry Street

**Legal Description:** The north 45 feet of Lot 27, Block 20, NCB 617

**Total Acreage:** 0.0478

**Notices Mailed**

**Owners of Property within 200 feet:** 32

**Registered Neighborhood Associations within 200 feet:** Denver Heights

**Applicable Agencies:** Office of Historic Preservation, Solid Waste Management Department

**Property Details**

**Property History:** The subject property was located within the original 36 square miles of the City of San Antonio and zoned “G” Local Retail District. The property was rezoned by Ordinance 79329, dated December 16, 1993, to “R-2” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-2” Residence District converted to “RM-4” Residential Mixed District. The property was rezoned by Ordinance 2019-04-18-0338, dated April 18, 2019, to the current “IDZ-2” Medium Intensity Infill Development Zone with uses permitted in “C-2” Commercial District and Bar and/or Tavern without cover charge 3 or more days per week.

**Code & Permitting Details:**

Legacy Permit A/P#: 2633947 – Hackberry Ice House Addition – Commercial Construction – November 2020

BOA-24-10300130 - 419 S Hackberry Street – Variance requests to encroach the 5’ side and 5’ rear setbacks – July 2024

**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:** RM-4

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

**Direction:** South

**Current Base Zoning:** C-2

**Current Land Uses:** Bar/Tavern

**Direction:** East

**Current Base Zoning:** RM-4

**Current Land Uses:** Vacant Property, Single-Family Residential

**Direction:** West

**Current Base Zoning:** RM-4

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

**Overlay District Information:**

The “HL” Historic Landmark, “HS” Historic Significant or “HE” Historic Exceptional overlay district designation signifies the historic architectural character or cultural significance of the

structure or location. Historic Landmark designations do not affect the possible uses of the property but do regulate the exterior aesthetic of the structure. 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 "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:**

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:** South Hackberry Street

**Existing Character:** Secondary Arterial

**Proposed Changes:** None known.

**Thoroughfare:** Dashiell Street

**Existing Character:** Local

**Proposed Changes:** None known.

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

**Routes Served:** 25, 28, 225, 230

**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 "Alcohol – Bar, Lounge, Tavern, Nightclub or Dance Hall" is 1 space per 100 sf of GSF, and the maximum parking requirement is 1 space per 75 sf of GSF.

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

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "IDZ-2" Medium Intensity Infill Development Zone District 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.

Proposed Zoning: "IDZ-2" Medium Intensity Infill Development Zone District 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 Major Site Plan Amendment is for an increase in the building square footage from 514 square feet to 776 square feet, and reduction of perimeter setback from 1.1 feet to 0.3 feet from the north property line, 10.2 feet to 3.2 feet on the west property line, and 7.0 feet to 5.6 feet from the south property line.

**FISCAL IMPACT:**

None

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

Subject property is not located within a Regional Center but is within ½ a mile from the Commerce-Houston Premium Transit Corridor

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval, pending Plan Amendment.

**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 Eastside Area Community Plan, adopted in 2024, and is currently designated as "Neighborhood Mixed Use" in the future land use component of the plan. The requested "IDZ-2" base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to "Urban Mixed Use". Staff recommends Approval. Planning Commission recommendation pending the October 9, 2024 hearing.
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's zoning permits the commercial use, and there is existing "C-2" Commercial zoning abutting the property to the south.
3. **Suitability as Presently Zoned:** The existing "IDZ-2" Medium Intensity Infill Development Zone with uses permitted in "C-2" Commercial District and Bar and/or Tavern without cover charge 3 or more days per week is an appropriate zoning for the property and surrounding area. The "IDZ-2" base zoning district and proposed uses will remain for the property, however the applicant is requesting to increase the building square footage from 514 square feet to 776 square feet, and reduction of perimeter setback from 1.1 feet to 0.3 feet from the north property line, 10.2 feet to 3.2 feet on the west property line, and 7.0 feet to 5.6 feet from the south property line, all which require a Major Site Plan Amendment. This is an appropriate use for the property, as the building has been an established ice house since 1927, and was granted a

Historic Landmark designation by the Historic & Design Review Commission (HDRC) and City Council in 2019.

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 from the Comprehensive Plan may include:
  - GCF Goal 4: Sustainable infill and mixed-use development provide walkable and bikeable destinations for all residents.
  - HPCCH Goal 4: Historic and cultural preservation is effectively used as a tool for economic development in San Antonio.
  - HPCCH Goal 6: San Antonio strategically incentivizes reinvestment in and reuse of landmark buildings and districts to protect those historic resources in accordance with established zoning and design guidelines.

Relevant Goals and objectives from the Eastside Community Area Plan may include:

- Goal 3: History, Culture, and Art: The cultural landscape, comprised of buildings, businesses, public spaces, and natural features will be valued and preserved.
  - Goal 4: Gathering Places: Diverse retail establishments and services will be available, including familiar and traditional businesses that are relevant to existing residents.
  - Land Use Recommendation #1: Support mixed-use centers and corridors that complement neighborhoods, support transit service, provide employment opportunities, and protect cultural assets.
  - Land Use Recommendation #2: Preserve and revitalize older building stock and traditional uses and development patterns.
  - Economic Development Recommendation #2: Support the creation and expansion of businesses (start-up, manufacturing, resident services, restaurants/entertainment).
6. **Size of Tract:** The 0.0478 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 subject property was approved for the building expansion and setback encroachment in November 2020 by A/P# 2633947, but without the required Major Site Plan Amendment. Applicant is correcting this issue.