



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** May 5, 2022

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

Zoning Case Z-2022-10700053 CD

**SUMMARY:**

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

**Requested Zoning:** "R-6 CD IDZ H UC-4 AHOD" Residential Single-Family Infill Development Zone Historic Tobin Hill North St. Mary's Street Urban Corridor Airport Hazard Overlay District with a Conditional Use for Food Service Establishment

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** April 5, 2022

**Case Manager:** Despina Matzakos, Planner

**Property Owner:** Courtland Place Partners, LLC

**Applicant:** Pinch Management, LLC

**Representative:** Patrick Christensen

**Location:** 536 East Courtland Place

**Legal Description:** Lot 12 and the West 16.5 feet of Lot 11, Block 3, NCB 2964

**Total Acreage:** 0.23 acres

**Notices Mailed****Owners of Property within 200 feet:** 27**Registered Neighborhood Associations within 200 feet:** Tobin Hill Community Association**Applicable Agencies:** Historic**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. The property rezoned under Ordinance 83331, dated December 14, 1995, from “D” Apartment District to “R-1 (UC) CC” Single-Family Residence Urban Corridor District with City Council Approval for a Day Care Center. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1 (UC) CC” Single-Family Residence Urban Corridor District converted to the current “R-6” Residential Single-Family Urban Corridor District with a Conditional Use for a Day Care Center.

**Topography:** The subject property is located within an Aquifer Artesian Zone and Upper SAR Watershed.

**Adjacent Base Zoning and Land Uses****Direction:** North**Current Base Zoning:** C-3**Current Land Uses:** Bar, Restaurant**Direction:** East**Current Base Zoning:** C-1, C-2NA, C-2**Current Land Uses:** Bar, Restaurant, Catering**Direction:** South**Current Base Zoning:** MF-33**Current Land Uses:** Multi-Family Housing, Single-Family Housing, Rentals**Direction:** West**Current Base Zoning:** R-6**Current Land Uses:** Single-Family Housing**Overlay District Information:**

The Tobin Hill Historic District is an overlay district which was adopted in 2007. 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.

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:** East Courtland Place

**Existing Character:** Local

**Proposed Changes:** None

**Thoroughfare:** Kendall Street

**Existing Character:** Local

**Proposed Changes:** None

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

**Existing Character:** Collector

**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 is one VIA bus route within proximity to the subject property.

**Routes Served:** 8

**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 is 1 per 100 sf GFA.

### **ISSUE:**

None.

### **ALTERNATIVES:**

**Current Zoning:** “R-6” Residential Single-Family Districts consist of a 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.

**Proposed Zoning:** “R-6” Residential Single-Family Districts consist of a 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 proposed “CD” Conditional Use would allow for a Food Service Establishment.

**FISCAL IMPACT:**

None

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

The subject property is within proximity to a premium and express transit corridor and is within proximity to a regional center.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend Approval, with Conditions.

The Conditions include:

- 1) Hours of Operation Sunday - Wednesday 9:00 AM - 10:00 PM, and Thursday – Saturday 9:00 AM - 11:00 PM.
- 2) No Outside Speakers or Amplification of Sound.
- 3) Solid-Screened Fencing along the existing alley.

**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 SA Tomorrow Midtown Regional Center Area Plan and is currently designated as “Urban Low Density Residential” in the future land use component of the plan. The requested “R-6” Residential Single-Family District 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. Surrounding properties are primarily “C-1” Light Commercial, “C-2” Commercial, and “C-3” General Commercial Districts along the Corridor. Other surrounding properties are “R-6” Single-Family Residential and “MF-33” Multi-Family Districts. The request would maintain the existing single-family residential zoning, while adding a Conditional Use for food service establishment. The addition of this Conditional Use is appropriate given the site’s location on St. Mary’s Street and its proximity to other similar uses along the Corridor. Furthermore, such a designation will act as a transitional use between the existing neighborhood and commercial

uses and assist in achieving public policy objectives as listed in the SA Tomorrow Comprehensive Plan and Midtown Area Regional Center Plan.

3. **Suitability as Presently Zoned:** The existing “R-6” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “R-6 CD” Residential Single-Family District with Conditional Use for Food Service is also an appropriate zoning for the property and surrounding area.
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 2: Priority growth areas attract jobs and residents.
- GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
- GCF Policy 3: Invest in neighborhood amenities and infrastructure that will attract new residents to priority growth areas.
- GCF P9: Allow higher-density and mixed uses in portions of, or adjacent to, single-family residential areas to encourage shopping, services and entertainment amenities in close proximity to housing and where appropriate.
- JEC Goal 1: Employment is focused in the city’s 13 Regional Centers, in site-specific locations in Urban Centers and along mobility corridors, providing easy connectivity for San Antonio’s residents and businesses.

Relevant Goals and Policies of the Midtown Regional Center Area Plan may include:

- Goal 3: Support Great Transit
  - Capitalize on Midtown’s central location, potential for comfortable walking, and concentration of housing, jobs, and destinations.
- 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.
  - Accommodate growth while preserving distinct characteristics of each part of Midtown and providing thoughtful transitions between uses.
- Goal 7: Stimulate a Thriving Economy
  - Create more employment opportunities to continue attracting a diverse residential population
- Goal 11: Grow Unique Destinations
  - Fortify Midtown destinations with complementary housing, education, employment, entertainment and transportation choices.
- Land Use Recommendation #3: Discourage rezoning (both up-zoning and down-zoning) in neighborhood areas.
  - Where additional households or uses beyond those currently allowed may be appropriate, conditional rezoning is a mechanism that provides more certainty as to development outcomes and the future evolution of a property. Conditional

rezoning is preferred over changing the base zoning district of properties in residential areas of the neighborhood.

- Land Use Recommendation #4: Land use decisions should support the continued use or adaptive-reuse of existing structures that contribute to the essential character of the Midtown Area.
- Economic Development Recommendation #2: Support and grow awareness of the Midtown Area Regional Center as a destination for commerce, arts, culinary, and cultural attractions and activities.

6. **Size of Tract:** The 0.23-acre site is of sufficient size to accommodate the proposed Residential and Commercial uses and development.
7. **Other Factors:** The applicant intends to utilize the existing space for restaurant uses.

This property is located within the Tobin Hill Historic District. Any future exterior modifications, signage 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. To date, no application has been submitted to the Office of Historic Preservation for any exterior changes at this property.

The Conditional Use zoning procedure is designed to provide for a land use within the area 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 granting of zoning with Conditional Use shall only be for the zoning case named in the ordinance approving the Zoning Districts with the specified Conditional Use provisions.