



City of San Antonio

Agenda Memorandum

Agenda Date: August 17, 2023

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 8

SUBJECT:
ZONING CASE Z-2023-10700071 S HL

SUMMARY:
Current Zoning: "C-2" Commercial District

Requested Zoning: "C-2 S" Commercial District with a Specific Use Authorization for Bar and/or Tavern Without a Cover Charge 3 or More Days Per Week on Lot 6, Block 2, NCB 16957 and "C-2 S HL" Commercial Historic Landmark District with a Specific Use Authorization for Bar and/or Tavern Without a Cover Charge 3 or More Days Per Week on 0.0565 acres out of NCB 16957

BACKGROUND INFORMATION:
Zoning Commission Hearing Date: August 1, 2023

Case Manager: Kellye Sanders, Planning Coordinator

Property Owner: Jayhawk Group, LP

Applicant: Jayhawk Group, LP

Representative: Brown & McDonald PLLC

Location: 11115 Wurzbach Road

Legal Description: Lot 6, Block 2, NCB 16957

Total Acreage: 0.9790

Notices Mailed**Owners of Property within 200 feet:** 176**Registered Neighborhood Associations within 200 feet:** N/A**Applicable Agencies:** Planning Department**Property Details**

Property History: The property was annexed into the City of San Antonio on May 26, 1971 by Ordinance 39443 and was zoned Temporary “R-1” Single Family Residence District. The property was rezoned from Temporary “R-1” Single Family Residence district to “B-2” Business District by Ordinance 61017, dated July 11, 1985. The property converted from “B-2” Business District to the current “C-2” Commercial District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

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-2**Current Land Uses:** Sports Complex**Direction:** South**Current Base Zoning:** O-2**Current Land Uses:** Commercial and Office Uses**Direction:** East**Current Base Zoning:** C-2**Current Land Uses:** Sports Complex**Direction:** West**Current Base Zoning:** O-2**Current Land Uses:** Office Uses**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.

Special District Information:

N/A

Transportation

Thoroughfare: Wurzbach Road

Existing Character: Secondary Arterial A

Proposed Changes: Wurzbach (Northwest Military Highway to Fredericksburg Road) -- Leverage funds for improvements at key intersections along the Wurzbach Corridor. Cost reflects City of San Antonio's contribution to a proposed federal and state funded project.

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

Routes Served: 96, 534

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 Bar/Tavern is 1 per 100sf of GSF. The maximum is 1 per 75sf of GSF.

ISSUE:

None

ALTERNATIVES:

Current Zoning: "C-2" Commercial Districts accommodate community commercial uses, with unlimited building size, and building height limitation of 25 feet. Examples of permitted uses: liquor store, miniature golf and other indoor gaming facilities, small indoor movie theater, pet cemetery, auto & light truck oil, lube & tune-up, auto glass tinting, tire repair (sale and installation only), gas station, appliance sales & repair, charitable food & clothing banks and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining.

Proposed Zoning: "C-2 S HL" Commercial Districts accommodate community commercial uses, with unlimited building size, and building height limitation of 25 feet. Examples of permitted uses: liquor store, miniature golf and other indoor gaming facilities, small indoor movie theater, pet cemetery, auto & light truck oil, lube & tune-up, auto glass tinting, tire repair (sale and installation only), gas station, appliance sales & repair, charitable food & clothing banks and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining.

If approved, the "S" Specific Use Authorization will permit Bar and/or Tavern Without Cover Charge 3 or More Days Per Week. The "HL" adds a Historic Overlay.

FISCAL IMPACT:

None

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

Subject property is not located within any Regional Centers and not within ½ a mile from any Premium Transit Corridor

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Approval with Conditions. The Zoning Commission recommendation is pending the August 1, 2023 hearing.

If recommended for Approval, staff recommends the following Conditions:

1. Hours of Operation: Monday-Sunday: 10:00am – 12:00am.

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 North Sector Plan and is currently designated as "Suburban Tier" in the future land use component of the plan. The requested "C-2" base zoning district and "HL" Overlay 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 a mix of "O-2" High Rise Office District, "C-2" Commercial District and "MF-33" Multi-Family District, which permit higher intense commercial and office uses that coordinate with the proposed local wine bar.
3. **Suitability as Presently Zoned:** The existing "C-2" Commercial District is an appropriate zoning for the property and surrounding area. The requested "C-2 S" Commercial District with a Specific Use Authorization for Bar and/or Tavern Without Cover Charge 3 or More Days Per Week is also an appropriate zoning. The "S" Specific Use Authorization allows the Bar and/or Tavern use in addition to all the "C-2" Commercial District uses. The applicant provided a prescribed site plan which indicates the use of the property and structures. Any major amendments to the site plan will require additional zoning consideration. The proposed application for the "HL" Historic Landmark Overlay designation does not change the base zoning designation or uses.
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 North Sector Plan.

Relevant Goals and Policies of the Comprehensive Plan may include:

- **GCF Goal 5:** Growth and city form support improved livability in existing and future neighborhoods.
- **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 Strategies of the North Sector Plan may include:

- **Goal LU-1:** Compatible land use pattern promoted so that natural resources are preserved, and the local economy remains viable.
 - **LU-5.2:** Encourage development and preservation of diverse and distinctive neighborhoods that build on the patterns of the natural landscape and are sensitive to their locations and historic contexts.
 - **LU-6.5:** Encourage development that is visually and functionally compatible with its surrounding neighborhoods by maintaining a massing and density of development that is compatible with adjacent developed neighborhood.
- 6. Size of Tract:** The 0.9790 acre site is of sufficient size to accommodate the proposed commercial development and addition of a historic overlay designation.
- 7. Other Factors:** The purpose of the Specific Use Authorization is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but may, under the right set of circumstances and conditions be acceptable in certain specific locations.

The applicant is rezoning to develop a Bar/Tavern without cover charge 3 or more days a week.

The request for landmark designation was initiated by the owner. The application is for an “HL” Historic Landmark designation for a “C-2 S” Commercial zoned property.

On July 19, 2023, the Historic and Design Review Commission (HDRC) approved a Finding of Historic Significance, identifying the property as historically significant based on criteria listed in Section 35-607 (b) of the Unified Development Code. The criteria identified as being applicable to the subject property are specified below. HDRC concurred with the applicant that 11115 Wurzbach Road met UDC criterion [35-607(b)3], [35-607(b)5], and [35-607(b)13] for a finding of historic significance in the process of seeking designation as a local historic landmark.

In order to be eligible for landmark designation, a property must meet at least three (3) of the 16 criteria; 11115 Wurzbach Road meets three:

- 5. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials; as a vernacular stone structure built to accommodate rural agricultural functions while embodying distinctive design elements such as alternating stone colors and a recessed plaster urn.
- 8. Its historical, architectural, or cultural integrity of location, design, materials, and workmanship; as an intact residence in its original location retaining a high degree of integrity.
- 13. It bears an important and significant relationship to other distinctive structures, sites, or areas, either as an important collection of properties or architectural style or craftsmanship with few intrusions, or by contributing to the overall character of the area according to the plan based on architectural, historic, or cultural motif; as an important part of this rural residential compound that share similarities in material and design with few modern intrusions.