



City of San Antonio

Agenda Memorandum

Agenda Date: September 5, 2023

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 1

SUBJECT:

ZONING CASE Z-2023-10700152 CD

SUMMARY:

Current Zoning: "C-2 NA H UC-5 AHOD" Commercial Nonalcoholic Sales Tobin Hill Historic Main Avenue/McCullough Avenue Urban Corridor Airport Hazard Overlay District and "C-2 NA H AHOD" Commercial Nonalcoholic Sales Tobin Hill Historic Airport Hazard Overlay District

Requested Zoning: "C-2 CD IDZ H UC-5 AHOD" Commercial Infill Development Zone Overlay Tobin Hill Historic Main Avenue/McCullough Avenue Urban Corridor Airport Hazard Overlay District with a Conditional Use for Bar/Tavern without Cover Charge 3 or More Days Per Week and "C-2 CD IDZ H AHOD" Commercial Infill Development Zone Overlay Tobin Hill Historic Airport Hazard Overlay District with a Conditional Use for Bar/Tavern without Cover Charge 3 or More Days Per Week

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: September 5, 2023

Case Manager: Adolfo Gonzalez, Zoning Planner

Property Owner: Flores Grant Fund, L.P.

Applicant: ADM Flores Management, LLC

Representative: Brown & McDonald, PLLC

Location: Generally located in the 1500 block of North Main Avenue

Legal Description: Lots 1 and 3, Block 32, NCB 386

Total Acreage: 0.4099

Notices Mailed

Owners of Property within 200 feet: 13

Registered Neighborhood Associations within 200 feet: Tobin Hill Community Neighborhood Association

Applicable Agencies: Fort Sam Houston, Office of Historic Preservation

Property Details

Property History: The subject property was located within the original 36 square miles of the City of San Antonio and zoned “H” Local Retail District. The property was rezoned by Ordinance 83331, dated December 14, 1995, to “B-2 NA” Business, Non-Alcoholic Sales District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-2 NA” Business, Non-Alcoholic Sales District converted to the current “C-2 NA” Commercial Nonalcoholic Sales District.

Code & Permitting Details

There is no relevant code enforcement history for the subject property.
REP-MBR-APP23-35009515 (Roof replacement) – August 2023

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 CD”

Current Land Uses: Vacant

Direction: East

Current Base Zoning: “MF-33”

Current Land Uses: Vacant lot

Direction: South

Current Base Zoning: “C-2 NA”

Current Land Uses: Restaurant

Direction: West

Current Base Zoning: “IDZ”

Current Land Uses: School

Overlay District Information:

The Tobin Hill Historic District, is an overlay district which was adopted in December 2007 and March 2008. 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-5" Main Avenue/McCullough Avenue 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:

None.

Transportation

Thoroughfare: North Main Avenue

Existing Character: Minor

Proposed Changes: None known.

Thoroughfare: West Park Avenue

Existing Character: Local

Proposed Changes: None known.

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

Routes Served: 90, 204

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 a bar/tavern is 1 space per 100 sf GFA. The maximum parking requirement for a bar/tavern is 1 space per 75 sf GFA.

"IDZ" as an overlay district waives the minimum parking requirement.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "C-2NA" Commercial Nonalcoholic Sales Districts are identical to C-2 districts except that the sale of alcoholic beverages is prohibited.

Proposed Zoning: "C-2 CD" 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.

The Conditional Use would allow for a Bar and/or Tavern without Cover Charge 3 or More Days Per Week.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is located with the Midtown Regional Center and within ½ a mile from the San Pedro and New Braunfels Avenue Premium Transit Corridors.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Approval.

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 Area Regional Center Plan and is currently designated as "Urban Mixed Use" in the future land use component of the plan. The requested "C-2" 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. Properties within the block are "MF-33" Multi-Family District and "C-2NA" Commercial Nonalcoholic Sales.
3. **Suitability as Presently Zoned:** The existing "C-2NA" Commercial Nonalcoholic Sales District is an appropriate zoning for the property and surrounding area. The proposed "C-2 CD" Commercial District with a Conditional Use for a Bar/Tavern is also an appropriate zoning. The proposed rezoning request is to remove the "NA" Nonalcoholic Sales overlay and add the conditional use zoning to allow operate of a Bar/Tavern use. There are a variety of established commercial uses along Main Street which are compatible with the proposed use. The request maintains the base "C-2" Commercial District zoning and the Conditional Use allows consideration of the Bar/Tavern with a prescribed site plan and any needed conditions, that cannot be changed without further Council review. The subject property sits adjacent to San Antonio College. If approved, the applicant must pursue an Alcohol Variance, before they can obtain a liquor license to sell alcohol on the subject property.

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 of the Midtown Area Regional Center Plan.

Relevant Goals and Policies of the SA Tomorrow Comprehensive Plan may include:

- GCF Goal 1 Higher-density uses are focused within the city's 13 regional centers and along its arterial and transit corridors.
- GCF Goal 4 Sustainable infill and mixed-use development provide walkable and bikeable destinations for all residents.
- 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 SA Tomorrow Midtown Area Regional Center Plan:

- Policy 1-1: Preserve Midtown's essential character-defining elements: the diversity of people and the unique character of individual places and neighborhoods.
- Policy 1-2: Maintain buildings with exemplary historic character.
- Policy 4-1: Foster an appropriate mix, density, and orientation of land uses in each part of Midtown to maintain the character of unique places, such as the North St. Mary's Street music culture.
- Policy 7-1: Create more employment opportunities to continue attracting a diverse residential population.
- Policy 7-4: Cultivate target markets related to arts, culture, entertainment, technology, and wellness.
- Policy 10-1: Elevate Midtown's aesthetic appeal, stimulate economic growth, and meet local needs by transforming vacant properties and older buildings through reuse, redevelopment, or new development.
- Policy 11-1: Fortify Midtown destinations with complementary housing, education, employment, entertainment and transportation choices.
- Policy 11-3: Support other thriving retail, entertainment, and cultural destinations that already have a community and successfully identify, such as the Pearl District, St. Mary's Street, and Main Street.

6. Size of Tract: The 0.4099 acre site is of sufficient size to accommodate the proposed bar/tavern development.

7. Other Factors: This property is located within the Tobin Hill 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 subject property is located within the Fort Sam Houston Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JBSA was notified of the proposed request. The Military has indicated that there are no objections to this request.

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 Bar and/or Tavern.