



City of San Antonio

Agenda Memorandum

Agenda Date: October 12, 2023

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 1

SUBJECT:

ZONING CASE Z-2023-10700227

SUMMARY:

Current Zoning: “R-6 UC-4 AHOD” Residential Single-Family North St. Mary’s Urban Corridor Airport Hazard Overlay District

Requested Zoning: “NC IDZ UC-4 AHOD” Neighborhood Commercial Infill Development Zone Overlay North St. Mary’s Urban Corridor Airport Hazard Overlay District

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: September 19, 2023

Case Manager: Mark Chavez, Zoning Planner

Property Owner: Carolyn Achbacher and Patricia Gardner

Applicant: Carolyn Achbacher

Representative: P.W. Christensen, P.C.

Location: 2615 & 2619 North St. Mary’s Street

Legal Description: Lots 2 and 3, NCB 1719

Total Acreage: 0.28011

Notices Mailed**Owners of Property within 200 feet:** 34**Registered Neighborhood Associations within 200 feet:** Tobin Hill Community**Applicable Agencies:** Planning Department, Fort Sam Houston**Property Details**

Property History: The subject property was part of the original 36 square miles of the City of San Antonio and was zoned “F” Local Retail District. The subject properties were then rezoned by Ordinance 83331, dated December 14, 1995, to “R-1” Single Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1” Single Family Residence District converted to the current “R-6” Residential Single-Family District.

Code & Permitting Details:

There is no relevant code enforcement or permitting history for the subject property.

Topography: The property does not include any abnormal physical features such as slope or incursion in a flood plain

Adjacent Base Zoning and Land Uses**Direction:** North**Current Base Zoning:** “C-3**Current Land Uses:** Bar**Direction:** East**Current Base Zoning:** “C-3”**Current Land Uses:** Bar**Direction:** South**Current Base Zoning:** “R-6”**Current Land Uses:** Single Family Residential**Direction:** West**Current Base Zoning:** “R-6”**Current Land Uses:** Single Family Residential**Overlay District Information:**

The “UC-4” North St. Mary’s 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.

Transportation

Thoroughfare: North St Mary's Street

Existing Character: Collector

Proposed Changes: None known

Thoroughfare: East French Place

Existing Character: Local

Proposed Changes: None known

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

Routes Served: 8, 20

Traffic Impact: A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

Parking Information: There is no exact listed use within the requested C-1 base zoning. Parking requirements would need to follow Section 35-526. Parking and Loading Standards of the Unified Development Code.

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

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "R-6" Residential Single-Family District permits 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: "NC" Neighborhood Commercial Districts accommodate Provides small areas for offices, professional services, service and storefront retail uses; all designed in scale with surrounding residential development. Building size is limited to 3,000 square feet. Examples of permitted uses: animal and pet services, fitness/health club, antique store, apparel and accessory store, bookstore, bakery, florist, gift shop, professional offices, music store, convenience store, and restaurant.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

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

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Denial, with Alternate Recommendation for “NC” Neighborhood Commercial District without the Infill Development Zone (IDZ) Overlay. Zoning commission recommends Approval, as “NC IDZ” Neighborhood Commercial District with the Infill Development Zone (IDZ) Overlay.

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 Regional Center Land Use Plan and is currently designated as “Neighborhood Mixed Used” in the land use component of the plan. The requested “NC” base zoning 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. There is “C-3” General Commercial to the north of the subject site.
3. **Suitability as Presently Zoned:** The existing “R-6” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The requested “NC” Neighborhood Commercial District is also an appropriate zoning. There are a variety of established commercial uses along North St. Mary’s, which provide appropriate framework for future commercial businesses. Staff finds the addition of the “IDZ” Infill Development Zone as an overlay, which waives the parking requirements, is a potential issue for future development. St. Mary’s Street is a popular historic street, with limited pedestrian accessibility, and little-to-no off-street parking for existing businesses. Guests are either forced to park on local streets, clogging the existing residential roads and potentially creating emergency hazards.
4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare in regarding to parking. Thus, the “IDZ” Infill Development Overlay is not recommended.
5. **Public Policy:** The request does not appear to conflict with any public policy objective. Relevant goals and policies of SA Tomorrow’s Midtown Regional Center Land Use Plan:
 - Goal 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.
 - Goal 4.2: Accommodate growth while preserving distinct characteristics of each part of Midtown and providing thoughtful transitions between uses.
 - Goal 7.1: Create more employment opportunities to continue attracting a diverse residential population.
6. **Size of Tract:** The 0.28011-acre site is of sufficient size to accommodate the proposed light commercial development.

7. **Other Factors:** The applicant intends to rezone to “NC” to utilize the subject property for low-intensity commercial purposes.

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.