



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 5, 2023

**In Control:** Zoning Commission Meeting

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**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 Historic Main Ave./McCullough Ave. Urban Corridor Airport Hazard Overlay District

**Requested Zoning:** "C-2 CD IDZ H UC-5 AHOD" Commercial Infill Development Zone Overlay Historic Main Ave./McCullough Ave. Urban Corridor 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

**Property Owner:** Flores Grant Fund, L.P.

**Applicant:** ADM Flores Management LLC

**Representative:** Brown & McDonlad 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:**

**Current Land Uses:** Vacant

**Direction:** East

**Current Base Zoning:**

**Current Land Uses:** Vacant lot

**Direction:** South

**Current Base Zoning:**

**Current Land Uses:** Restaurant

**Direction:** West

**Current Base Zoning:**

**Current Land Uses:** School

### **Overlay District Information:**

The \_\_\_\_\_ Historic District, is an overlay district which was adopted in \_\_\_\_\_. 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-\_\_\_\_\_” 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 districts are identical to C-2 districts except that the sale of alcoholic beverages is prohibited.

**Proposed Zoning:** C-2 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 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-2 NA" 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 for the property and surrounding area. The proposed rezoning is requested in order to remove the "NA" Nonalcoholic Sales overlay to permit a bar/tavern while maintaining the existing base zoning district. The property currently contains a vacant building. The proposed use and any changes to the existing building would be bound to a prescribed site plan that can not be changed without pursuing another rezoning. The subject property is adjacent to San Antonio College. If approved, the applicant must pursue an additional variance before the requested use would be permitted 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 successful identity, 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, JB SA 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.