



City of San Antonio

Agenda Memorandum

Agenda Date: September 19, 2023

In Control: Zoning Commission Meeting

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: “C-1 IDZ UC-4 AHOD” Light 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

Property Owner: Carolyn Achbacher and Patricia Gardner

Applicant: Carolyn AchbacherCarolyn Achbacher

Representative: Patrick W. Christensen

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

Legal Description: Lots 2 & 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 "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. 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.

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: “C-1” Light Commercial Districts accommodate neighborhood commercial uses which depend on a greater volume of vehicular traffic than an NC district. C-1 uses are considered appropriate buffers between residential uses and C-2 and C-3 districts and uses. Building size is limited to 5,000 square feet. Examples of permitted uses: arcade, boarding house, noncommercial athletic field, retail furniture sales, grocery store, nursery (retail – no growing of plants on site permitted), retail office equipment and supply, and retail rug or carpet sales. No outdoor storage or display of goods shall be permitted except for outdoor dining.

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 any Premium Transit Corridor

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Denial with alternative recommendation for C-1 Light Commercial without the IDZ zoning 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 “C-1” 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” and “R-6” zoning found in proximity to the subject area. 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 “C-1” Light 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 not found indication of likely adverse effects on the public health, safety, or welfare. Thus, the “IDZ” Infill Development Overlay is not recommended.
5. **Public Policy:** The request does not appear to conflict with any public policy objective. The Midtown Regional Center Plan designates the future land use of the property as “Neighborhood Mixed-Use” and the requested zoning does not conflict with the designation. Land Use: Initiate rezoning in selected mixed-use corridors and focus areas and update the Unified Development Code to support transit-oriented development, mixed-use corridors, and centers with a high-quality public realm. Economic Development: Support and grow awareness of the Midtown Area as a destination for commerce, arts, culinary, and cultural attractions, and activities 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 "C-1" to utilize the subject property for low-intensity commercial purposes. The applicant intends to rezone to "C-1" 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, JB SA was notified of the proposed request. The Military has indicated that there are no objections to this request.