



City of San Antonio

Agenda Memorandum

Agenda Date: January 16, 2024

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 1

SUBJECT:

ZONING CASE Z-2023-10700351 CD

SUMMARY:

Current Zoning: “C-1 UC-4 AHOD” Light Commercial North Saint Mary's Street Urban Corridor Airport Hazard Overlay District

Requested Zoning: “C-1 CD IDZ UC-4 AHOD” Light Commercial Infill Development Zone North St. Mary's Street Urban Corridor Airport Hazard Overlay District with a Conditional Use for Bar and/or Tavern

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: January 16, 2024

Case Manager: Forrest Wilson, Principal Planner

Property Owner: Alice Caballero

Applicant: Alice Caballero

Representative: Patrick Christensen

Location: 2114 North Saint Mary’s Street

Legal Description: 0.2922 Acres out of NCB 3029 and NCB 6789

Total Acreage: 0.2922 Acres

Notices Mailed**Owners of Property within 200 feet:** 35**Registered Neighborhood Associations within 200 feet:** Tobin Hill**Applicable Agencies:** 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 zoned “J” Commercial District. The property was rezoned by Ordinance 83331, dated December 14, 1995 from “J” Commercial District to “B-3NA” Business Non-alcoholic Sales District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001 the property zoned “B-3NA” Business Non-alcoholic Sales District converted to “C-3NA” Commercial Nonalcoholic Sales District. The property was then rezoned by Ordinance 96872, dated December 12, 2002 from “C-3NA” Commercial Nonalcoholic Sales District to “C-1” Light Commercial District.

Code & Permitting Details:

NCU-REG-2022-11300079 – Approved NCU Registration

COM-ADD-PMT22-39900046 – Minor Plans Lonesome Rose Wooden Deck

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:** "IDZ-3", "C-3NA", "UZROW"**Current Land Uses:** Residential, Construction Contractor Yard**Direction:** East**Current Base Zoning:** "IDZ-2"**Current Land Uses:** Residential, Multi-Family**Direction:** South**Current Base Zoning:** "IDZ"**Current Land Uses:** Residential, Townhomes**Direction:** West**Current Base Zoning:** "C-3NA", "MF-33"**Current Land Uses:** Professional Office, Multi-Family**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-4” North Saint Mary's Street 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.

Special District Information:

The Infill Development Zone (IDZ) District provides flexible standards for developments. IDZ may be approved as either a base zoning district or an overlay zoning district. Typically, IDZ gives flexibility to parking requirements, lots sizes, and setbacks.

Transportation

Thoroughfare: North Saint Mary’s Street

Existing Character: Collector

Proposed Changes: None known

Thoroughfare: West Grayson Street

Existing Character: Local

Proposed Changes: None known

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

Routes Served: 8

Traffic Impact: A TIA study may be required based on the information provided at time of platting and/or permitting. The traffic generated by the proposed development does not exceed the threshold requirements. Development generates less than seventy-six (76) PHT Sec. 35-502. A TIA Report is Not Required.

Parking Information: The minimum parking requirement for a bar/tavern is 1 space per 100 square feet of Gross square footage. “IDZ” as an overlay district waives the minimum parking requirement.

ISSUE:

None.

ALTERNATIVES:

Current 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.

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 a premium transit corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Denial with an Alternate Recommendation of “C-1 CD” Light Commercial with a Conditional Use for a Bar/Tavern without the 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 Area Regional Center Plan and is currently designated as Employment/Flex Mixed Use in the future land use component of the plan. The requested “C-1” Light Commercial 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.
- 3. Suitability as Presently Zoned:** The existing “C-1” Light Commercial District is an appropriate zoning for the property and surrounding area. The proposed “C-1 CD” Light Commercial District with a Conditional Use for a Bar/Tavern is also suitable for the area as there are several commercially zoned properties to the North and West. Bexar County records show the structure was built in 1940 and described as a bar. At that time, the property was zoned under the 1938 zoning code and the use of a Bar was permitted by right in “J” Commercial District. A Certificate of Occupancy (COO) was issued in September of 2003, and there have been several DBA/Name Change applications processed since 2003. A Non-Conforming Use was previously registered in June 2022 for a Restaurant/Bar with Live Entertainment; thus, approval of the zoning change request would not adversely impact the area. However, waiving the parking requirement with the “IDZ” Overlay is not appropriate in an area that already struggles with parking and traffic.
- 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:

Goal 1: Preserve Midtown's Distinct Character

- Preserve Midtown's essential character-defining elements: the diversity of people and the unique character of individual places and neighborhoods.
- Maintain buildings with exemplary historic character.
- Highlight the history and heritage of the area and share stories through urban design, public art, and cultural events.
- Continue to nurture Midtown's identity as a welcoming place for diverse families.

Goal 4: Support Unique, Mixed Activity Areas

- 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.
- Accommodate growth while preserving distinct characteristics of each part of Midtown and providing thoughtful transitions between uses.
- Support unique district cultures in Midtown, such as Lesbian, Gay, Bisexual, Transgender, Queer, Plus cultures on Main Street.

Goal 11: Grow Unique Destinations

- Fortify Midtown destinations with complementary housing, education, employment, entertainment and transportation choices.
- Reinforce the Broadway Cultural Corridor, historic parks, San Antonio River, and San Pedro Springs Creek as places familiar to all San Antonians and welcoming to the world.
- 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.
- Support other corridors (such as Fredericksburg Road, San Pedro Avenue and McCullough Avenue) in building on their best qualities.

6. **Size of Tract:** The 0.2922 acre site is of sufficient size to accommodate the proposed development.
7. **Other Factors:** 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 allow for a Bar/Tavern.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates commercial uses.

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.