



City of San Antonio

Agenda Memorandum

Agenda Date: September 6, 2022

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 1

SUBJECT:

ZONING CASE Z-2022-10700203 CD

SUMMARY:

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

Requested Zoning: "C-2 CD IDZ H UC-5 AHOD" Commercial Infill Development Zone Overlay Historic Tobin Hill Main Avenue/McCullough Avenue Urban Corridor Airport Hazard Overlay District with a Conditional Use for a Bar and/or Tavern

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: September 6, 2022

Case Manager: Ann Benavidez, Planner

Property Owner: MMAY Properties LLC

Applicant: 524 Partners LLC

Representative: Patrick Christensen

Location: 1602 North Main Avenue

Legal Description: The south 100 feet of Lot 1 and the west 26.9 feet of the south 100 feet of Lot 2, Block 11, NCB 1749

Total Acreage: 0.1837 Acres

Notices Mailed

Owners of Property within 200 feet: 19

Registered Neighborhood Associations within 200 feet: Tobin Hill Community Association

Applicable Agencies: Fort Sam Houston, Office of Historic Preservation, Planning Department

Property Details

Property History: The subject property is currently zoned "C-2NA HUC-5 AHOD" Commercial Nonalcoholic Sales Historic Tobin Hill Main Avenue/McCullough Avenue Urban Corridor Airport Hazard Overlay District. The property was part of the original 36 square miles of the City of San Antonio and was originally zoned "H" Local Retail District. The property was rezoned by Ordinance 83331 dated December 14, 1995, to "B-2NA" Nonalcoholic Sales Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-2NA" Nonalcoholic Sales Business District converted to the current "C-2NA" Commercial Nonalcoholic Sales District.

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-2NA"

Current Land Uses: Party Supply Store, University Bookstore

Direction: South

Current Base Zoning: "C-2NA"

Current Land Uses: Art supply store, Bakery

Direction: East

Current Base Zoning: "C-2NA" "MF-33"

Current Land Uses: Apartments

Direction: West

Current Base Zoning: "C-1" R-6 S" "C-2"

Current Land Uses: Restaurant/Bar, Parking Garage, Apartments

Overlay District Information:

The Infill Development Zone (IDZ) Overlay 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.

The "UC-5" Main 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 Tobin Hill Historic District is an overlay district that 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.

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

Routes Served: 3, 4, 5, 90, 204

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

Parking Information: The minimum parking requirement for a bar/tavern is 1 per parking per 100 square feet of gross square footage. The minimum parking requirement for a food service establishment is 1 parking space per 100 square feet of gross floor area.

The IDZ Overlay waives the 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 IDZ” 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 "CD" Conditional Use would permit a bar/tavern. The "IDZ" Infill Development Zoning Overlay waives parking.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is located within the Midtown Area Regional Center and is within a ½ mile of the San Pedro Premium Transit Corridor and the New Braunfels Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Approval. Zoning Commission recommends Approval with Conditions.

The recommended Conditions are as follows:

- 1) No live outdoor entertainment.
- 2) Food Truck Hours of Operation will not extend past the following times: Monday-Thursday: 12:00a.m., Friday and Saturday: 1:00a.m, and Sunday: 11:00p.m.

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 CD" 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. The property is located along North Main Avenue, which houses a plethora of bars and restaurants, as well as a mix of retail and residential uses.
3. **Suitability as Presently Zoned:** The current "C-2NA" Commercial Nonalcoholic Sales District is an appropriate zoning for the property and surrounding area. The proposed "C-2" Commercial District is also appropriate, as is the Conditional Use request for a Bar/Tavern. The area houses a multitude of uses compatible with the proposed use; The residential development immediately to the west of the subject property is former student housing, with Alamo College still in proximity. This development would further enhance the cultural identity that already exists along North Main Avenue.
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 objectives of the Midtown Area Regional Center Plan:
- Goal 11: Grow Unique Destinations - 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.
 - Focus Areas Recommendation 4: Support fine-grained incremental redevelopment intended to serve many people in mixed-use corridors and focus areas.
 - Land Use Recommendation 4: Land Use decisions should support the continued use or adaptive reuse of existing structures that contribute to the essential character of Midtown.
 - Economic Development Recommendation 2: Support and grow awareness of Midtown as a destination for commerce, arts, culinary, and cultural attractions and activities.
 - o Economic Development Strategy 2.5 Encourage the development of amenities and services that complement the cultural resources in Midtown, such as hospitality, dining, retail, trails, parks, and plazas.
- 6. Size of Tract:** The subject property is 0.1837 Acres, which can reasonably accommodate the proposed development.
- 7. Other Factors** The applicant intends to rezone to "C-2 CD" to redevelop the vacant, existing building into a bar, with food trucks.

The purpose of the Conditional Use is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but may, under the right set of circumstances and conditions be acceptable in certain specific locations.

This property is in the Tobin Hill Historic District (H). Any proposed exterior alterations associated with the proposal will require approval from the Office of Historic Preservation. Approval of a site plan or renderings submitted as part of a zoning application does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. To date, no application has been made to the Office of Historic Preservation for this project.

The subject property is located within the Fort Sam Houston Military Base 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.