



# City of San Antonio

## Agenda Memorandum

**File Number:** 13-1045

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**Agenda Item Number:** Z-3.

**Agenda Date:** 12/5/2013

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**SUBJECT:**

Zoning Case Z2014010

**SUMMARY:**

**Current Zoning:** "C-3NA CD UC-4 AHOD" General Commercial Nonalcoholic Sales North St. Mary's Street Urban Corridor Airport Hazard Overlay District with a Conditional Use for outside storage of equipment & materials

**Requested Zoning:** "IDZ UC-4 AHOD" Infill Development Zone North St. Mary's Street Urban Corridor Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and "MF-25" Low Density Multi-Family District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 19, 2013

**Case Manager:** Tony Felts, Planner

**Property Owner:** Robert A. Marotta, Jr.

**Applicant:** Davis Sprinkle

**Representative:** P.W. Christensen, PC (c/o Patrick W. Christensen)

**Location:** A portion of the 2100 block of North St. Mary's Street

**Legal Description:** Lots 1 and 2, Block 1, NCB 6789, save and except that portion conveyed in Volume 12369, Page 1060, Deed Records, Bexar County, Texas

**Total Acreage:** 0.3209

## **Notices Mailed**

**Owners of Property within 200 feet:** 30

**Registered Neighborhood Associations within 200 feet:** The Tobin Hill Community Association

**Planning Team:** 13 - Tobin Hill Neighborhood Plan

**Applicable Agencies:** None

## **Property Details**

**Property History:** The subject property is located within the City Limits as they were recognized in 1938. The property was originally zoned "J" Commercial District. In 1995, as part of a large area rezoning, the property was rezoned to "B-3NA SUP" Nonalcoholic Sales District with a Special Use Permit for outside storage of equipment and materials. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "C-3NA CD" General Commercial Nonalcoholic Sales District with a Conditional Use for outside storage of equipment and materials. The subject property consists of two platted lots save and except a portion conveyed to the neighboring property owner. The property is currently vacant.

**Topography:** The property does not include any abnormal physical features such as significant slope or inclusion in a flood plain.

## **Adjacent Zoning and Land Uses**

**Direction:** North and West

**Current Base Zoning:** "C-1", "C-3NA", "MF-33", "R-6" and "C-3"

**Current Land Uses:** Restaurant, Parking Lot, Single-Family Residence, Office, Vacant Commercial Structure, Thrift Store, Apartments and Printing

**Direction:** South and East

**Current Base Zoning:** "C-3" and "I-1"

**Current Land Uses:** Equipment Supply

**Overlay and Special District Information:** All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

Properties within 200 feet of the North St. Mary's Street right-of-way carry the "UC-4" North St. Mary's Street Urban Corridor District. The North St. Mary's Street Urban Corridor regulates signage for properties along the street.

Properties to the west of North St. Mary's Street are located in the Tobin Hill Historic District, which was adopted in 2008. Historic districts do not regulate use of the property, but do 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.

## **Transportation**

**Thoroughfare:** North St. Mary's Street

**Existing Character:** Collector street; one lane in each direction, with sidewalks

**Proposed Changes:** None known

**Thoroughfare:** East Locust Street and West Grayson Street

**Existing Character:** Local streets; one lane in each direction, with sidewalks

**Proposed Changes:** None known

**Public Transit:** VIA bus line 8 operates along North St. Mary's Street with multiple stops in the immediate vicinity of the subject property.

**Traffic Impact:** Traffic Impact Analysis is not required. "IDZ" Infill Development Zone requests are exempt from the TIA requirement.

**Parking Information:** The application refers to proposed housing and retail/service uses. Off-street vehicle parking requirements for housing are typically determined by the number of units. Parking requirements for retail and service uses are determined by the type and size of use. The "IDZ" district waives off-street vehicle parking requirements.

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the existing "C-3NA CD" base zoning district, and development of the mixed use live/work development would be prohibited.

**FISCAL IMPACT:**

None. The zoning request is eligible for the Inner City Reinvestment Infill Policy fee waiver. The Development Services Department fees will be reimbursed through grant funding.

**RECOMMENDATION:**

Staff and Zoning Commission (8-0) recommend approval.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

**1. Consistency:**

The subject property is within the Tobin Hill Neighborhood Plan and is designated as Low Density Mixed Use in the Future Land Use component of the plan. The proposed "IDZ" base zoning district and associated uses are consistent with the adopted land use designation.

**2. Adverse Impacts on Neighboring Lands:**

Staff has found no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. Rather, the rezoning may have the effect of spurring redevelopment of a vacant property, thereby mitigating the current adverse impacts on neighboring properties.

**3. Suitability as Presently Zoned:**

The existing "C-3NA" base zoning district is not consistent with the adopted future land use plan, and will not allow live/work units as proposed by the applicant. The "C-3NA" zoning district is meant to accommodate intense commercial districts such as regional shopping centers and power centers. The subject property and surrounding areas have been identified as areas where transition to mixed use and residential uses should be encouraged.

**4. Health, Safety and Welfare:**

Staff has found no 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.

**6. Size of Tract:**

The size of the tract is large enough to support mixed commercial and residential development, with the flexible development standards offered by the "IDZ" district.

**7. Other Factors:**

None.