



# City of San Antonio

## Agenda Memorandum

**File Number:** 13-1163

---

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

**Agenda Date:** 12/19/2013

**In Control:** City Council A Session

---

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**SUBJECT:**

Zoning Case Z2014018

**SUMMARY:**

**Current Zoning:** "C-2NA H AHOD" Commercial Nonalcoholic Sales King William Historic Airport Hazard Overlay District

**Requested Zoning:** "C-2 IDZ H AHOD" Commercial Infill Development Zone King William Historic Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

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

**Case Manager:** Brenda V. Martinez, Planner

**Property Owner:** Southtown Professional Group, LLC (by Richard F. Ojeda, Raul X. Villarreal, Ricardo Ojeda Jr., and Alejandro J. Ojeda, Members)

**Applicants:** Richard F. Ojeda, Raul X. Villarreal, Ricardo Ojeda Jr. and Alejandro J. Ojeda

**Representatives:** Richard F. Ojeda, Raul X. Villarreal, Ricardo Ojeda Jr. and Alejandro J. Ojeda

**Location:** 809 South St. Mary's Street and 116 Madison Street

**Legal Description:** 0.444 of an acre out of Block 1, NCB 738

**Total Acreage:** 0.444

**Notices Mailed**

**Owners of Property within 200 feet:** 26

**Registered Neighborhood Associations within 200 feet:** King William Association

**Planning Team:** Downtown Neighborhood Plan - 18

**Applicable Agencies:** Office of Historic Preservation

### **Property Details**

**Property History:** The property is located within the City Limits as they were recognized in 1938, and was originally zoned under the 1938 zoning code. In a 1991 City-initiated large-area case, the property was rezoned to "B-2NA" Business Nonalcoholic Sales District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "C-2NA" Commercial Nonalcoholic Sales District. The subject site is currently developed with a commercial structure measuring 7,793 square feet. According to the Bexar County Appraisal District, the structure was built in 1940.

**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

**Current Base Zoning:** "MF-33", "RM-4", "C-2" and "C-3R"

**Current Land Uses:** Vacant Residences, Duplexes, Retail Uses, Office, Restaurant, Reception Hall and Motel

**Direction:** East

**Current Base Zoning:** "C-3R"

**Current Land Uses:** Office, Car Rentals, and Tire and Auto Repair

**Direction:** South

**Current Base Zoning:** "C-2NA" and "C-3NA"

**Current Land Uses:** Offices and a Residence

**Direction:** West

**Current Base Zoning:** "RM-4" and "MF-33"

**Current Land Uses:** Two-Family Dwellings and a Bed and Breakfast

**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.

The majority of surrounding properties are located in the King William Historic District. 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:** Madison Street

**Existing Character:** Local Street; 1 lane in each direction

**Proposed Changes:** None known

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

**Existing Character:** Secondary Arterial Type B Street; 2 lanes in each direction

**Proposed Changes:** None known.

**Public Transit:** The nearest VIA bus lines are the 42 and 242 lines, which operate along South St. Mary's Street and Madison Street.

**Traffic Impact:** The Traffic Impact Analysis has been waived for the following reasons: IDZ zoning is exempt from TIA requirements.

**Parking Information:** Off-street vehicle parking requirements are typically determined by type of use and building size. The zoning application refers to proposed office and restaurant uses.

Professional Office - Minimum Parking Requirement: 1 space per 300 square feet of Gross Floor Area (GFA).  
Maximum Parking Requirement: 1 space per 140 square feet of GFA.

Food - Restaurant or Cafeteria - Minimum Parking Requirement: 1 space per 100 square feet of GFA.  
Maximum Parking Requirement: 1 space per 40 square feet of GFA.

The "IDZ" Infill Development Zone District eliminates off-street vehicle parking requirements.

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the current commercial zoning; restricting future land uses to those permissible in a C-2 zoning district.

**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 located within the Downtown Neighborhood Plan area, and is identified as Residential in the Future Land Use component of the Plan. However, the Downtown Neighborhood Plan also identifies South St. Mary's as a low-rise mixed use corridor, which would allow residential, commercial and office uses. The requested "C-2" base zoning district is 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. The site is located in an area with a mix of commercial, single-family and two-family dwellings with access to South St. Mary's Street, which is a major arterial thoroughfare.

The applicant seeks rezoning in an effort to allow alcohol sales in conjunction with food sales on the subject property. Many other properties located further north along South St. Mary's Street past East Cesar Chavez Boulevard do not carry zoning that prohibits the sale of alcohol. Therefore, these other properties have the

potential to offer alcohol sales for on- or off-premise consumption.

### **3. Suitability as Presently Zoned:**

The existing “C-2” zoning district is suitable for the subject property. The “C-2” district accommodates commercial and retail uses that are more intensive in character than neighborhood or light commercial, and which generate a greater volume of vehicular or truck traffic. Medium intensity commercial zoning is most appropriate along arterials or major thoroughfares.

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

Staff has found no indication of a likely negative influence on public health, safety or welfare in relation to this zoning change request. Although the “IDZ” overlay district waives off-street parking requirements, the property is located in an area well-served by public transit. Pedestrian-friendly, walk-able development is encouraged in the area.

### **5. Public Policy:**

The property is located within the Inner City Reinvestment Policy (ICRIP) area. The purpose of the ICRIP is to promote growth and development in the inner city, specifically in areas that are currently served by public infrastructure and transit, but underserved by residential and commercial real estate markets.

### **6. Size of Tract:**

The subject property is 0.444 acres and appears to be of sufficient size to accommodate the proposed uses with the flexibility offered by the “IDZ” district.

### **7. Other Factors:**

Chapter 4 of the City Code includes distance requirements for the sale of alcoholic beverages in relation to schools, churches, and hospitals. The applicant shall be responsible for ensuring compliance with the distance requirement.