



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-2189

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 4/16/2015

**Title:** ZONING CASE # Z2014233 S (District 1): An Ordinance amending the Zoning District Boundary from "HS H C-3R AHOD" Historic Significant General Commercial Restrictive Alcoholic Sales Lavaca Historic District Airport Hazard Overlay District to "HS H C-2 S IDZ AHOD" Historic Significant Commercial Infill Development Zone Lavaca Historic District Airport Hazard Overlay District with a Specific Use Authorization for a Bar/Tavern without cover charge 3 or more days per week on 0.062 of an acre out of NCB 903 located at 318 Martinez Street. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2014-233\_Location Map, 2. Z2014233 S\_Site Plan, 3. Z2014233 S\_Minutes, 4. DRAFT ORDINANCE, 5. Ordinance 2015-04-16-0321

Date	Ver.	Action By	Action	Result
4/16/2015	1	City Council A Session	Motion to Approve	

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**SUBJECT:**

Zoning Case Z2014233 S

**SUMMARY:**

**Current Zoning:** "HS H C-3R AHOD" Historic Significant General Commercial Restrictive Alcoholic Sales Lavaca Historic District Airport Hazard Overlay District

**Requested Zoning:** "HS H C-2 S IDZ AHOD" Historic Significant Commercial Infill Development Zone Lavaca Historic District Airport Hazard Overlay District with a Specific Use Authorization for a Bar/Tavern without cover charge 3 or more days per week

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** March 17, 2015

**Case Manager:** Ernest Brown, Planner

**Property Owner:** Bruno V. Yalencovich

**Applicant:** Andrea Vince

**Representative:** Megan Drew Morros

**Location:** 318 Martinez Street

**Legal Description:** 0.062 of an acre out of NCB 903

**Total Acreage:** 0.062

**Notices Mailed**

**Owners of Property within 200 feet:** 19

**Registered Neighborhood Associations within 200 feet:** Lavaca Neighborhood Association. Downtown Residents Association located within 200 feet

**Planning Team:** Lavaca Neighborhood Plan-12

**Applicable Agencies:** Office of Historic Preservation

**Property Details**

**Property History:** The subject property is located within the City Limits as they were recognized in 1938, and was originally zoned under the 1938 zoning code. The subject property is currently developed with a residential structure measuring 1,632 square feet, which was built in 1910. In a 1991 large area case, the subject property was rezoned to "B-3R" Restrictive Business District. Upon adoption of the 2001 Unified Development Code (UDC), the previous base zoning district converted to the current "C-3R" General Commercial Restrictive Alcohol Sales District.

The applicant is requesting a zoning change in order to operate a restaurant and bar. The residence will be converted into a bar and a mobile food truck will be placed at the back of the property with outdoor seating.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North, South, East and West

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

**Current Land Uses:** Vacant Land, Restaurant, Office, Florist and Parking Lots

**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 surrounding properties are located in the Lavaca Historic District, which was adopted in 2001. 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:** Martinez Street

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

**Proposed Changes:** None known

**Thoroughfare:** South Alamo Street

**Existing Character:** Secondary Arterial Type B; one traffic lane, a bike lane and sidewalks in each direction

**Proposed Changes:** None known

**Thoroughfare:** South Presa Street

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

**Proposed Changes:** None known

**Public Transit:** The nearest VIA bus lines are the number 30, 32, 36, 54, 230, 232 and 305 lines, which operate along East Cesar Chavez Boulevard and South Presa Street.

**Traffic Impact:** “IDZ” zoning is exempt from TIA requirements.

**Parking Information:** 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 classification, restricting future land uses to those permissible in the “C-3” zoning district.

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (7-0) recommends 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 Lavaca Neighborhood Plan, and is identified as Mixed Use in the future land use component of the plan. 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 surrounding properties. The requested zoning will allow a range of office, retail and service uses on the property.

**3. Suitability as Presently Zoned:**

The existing zoning is not appropriate for the subject property. The “C-3” General Commercial zoning district is designed to provide for more intense uses that are typically characterized as community and regional power centers such as shopping malls, movie theaters, hospitals and wholesalers, among others. Due to its classification, the “C-3” General Commercial base zoning district is best located at intersections of major

arterials and within commercial nodes. Although East Cesar Chavez Boulevard is an established commercial corridor, Martinez Street is not a major arterial thoroughfare; therefore, commercial development should be limited in scale and intensity.

**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 existing “C-3” zoning district is not consistent with the adopted Mixed Use land use designation.

**6. Size of Tract:**

The subject property is 0.062 acres and appears to be of sufficient size to accommodate the proposed development with the flexibility offered by the “IDZ” district.

**7. Other Factors:**

The applicant is requesting the “IDZ” designation due to the lack of sufficient parking on the subject site. Although the “IDZ” overlay 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 Lavaca area. Further, there are a number of commercial parking lots adjacent to the site that customers may utilize.