



# City of San Antonio

## Agenda Memorandum

**File Number:**18-4110

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**Agenda Item Number:** 7.

**Agenda Date:** 7/3/2018

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z2018194

**SUMMARY:**

**Current Zoning:** "C-2P HS UC-4 AHOD" Commercial Pedestrian North Saint Mary's Urban Corridor Historic Significant Airport Hazard Overlay District

**Requested Zoning:** "C-2P UC-4 AHOD" Commercial Pedestrian North Saint Mary's Urban Corridor Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 3, 2018

**Case Manager:** Kayla Leal, Planner

**Property Owner:** Hartman Properties, INC.

**Applicant:** Richard E. Hartman

**Representative:** Richard E. Hartman

**Location:** 2734 North Saint Mary's Street

**Legal Description:** 1.26 acres out of NCB 2870

**Total Acreage:** 1.26

**Notices Mailed**

**Owners of Property within 200 feet:** 56

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

**Applicable Agencies:** Planning Department, Office of Historic Preservation

### **Property Details**

**Property History:** The subject property was included in the original 36 square miles of the City of San Antonio and was zoned “C” Apartment District and “F” Local Retail District. The eastern portion of the property was rezoned from “C” and “F” to “B-1” Business District by Ordinance 50319, dated January 25, 1979. The western portion of the property was rezoned from “B-3” Business District to “B-3NA” Business District Nonalcoholic Sales by Ordinance 83331, dated December 14, 1995. The subject properties converted from “B-1” and “B-3NA” to the presently base zoning districts of “C-1” Light Commercial District and “C-3NA” General Commercial Nonalcoholic Sales District with the adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001). The current “C-2P” base zoning district was established recently by Ordinance 2017-11-02-0861, dated November 2, 2018.

**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:** “IDZ,” RM-4”

**Current Land Uses:** Live Music Venue and Bar, Vacant Lots, Single Family Residences

**Direction:** East

**Current Base Zoning:** None

**Current Land Uses:** U.S. Highway 281

**Direction:** South

**Current Base Zoning:** “C-3”, “R-6”

**Current Land Uses:** Nightclub, Single Family Residences

**Direction:** West

**Current Base Zoning:** “C-3”

**Current Land Uses:** Corporate Engineering Office

### **Overlay and Special District Information:**

**"AHOD"**

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.

**"HL"**

A number of surrounding properties carry the “HS” Historic Significant landmark designation, signifying the historic architectural character or cultural significance of the structure or location. Historic Landmark designations do not affect the possible uses of the property, but do regulate the exterior aesthetic of the structure. 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.

**“UC-4”**

North St. Mary's Street Urban Corridor District (“UC-4”) provides standards for properties located on both sides of North St. Mary's Street, an arterial, between I.H. 35 and HWY 281 for a distance of two hundred (200) feet from the street right-of-way. Urban Corridors follow arterial streets or expressways in developed portions of the city and shall be directed

toward reduction of existing visual clutter, improved design features, and preservation of developed areas of the city. A zoning review is performed by the Zoning Section of the Development Services Department.

### **Transportation**

**Thoroughfare:** North Saint Mary's Street

**Existing Character:** Collector Street

**Proposed Changes:** None Known

**Thoroughfare:** East Russell Place

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** Valdez Place

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Public Transit:** Via bus route 8 is within walking distance of the subject property.

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

### **Parking Information:**

There is no minimum or maximum requirement for parking spaces on a commercial parking lot.

### **ISSUE:**

None.

### **ALTERNATIVES:**

Denial of the requested zoning change would result in the subject properties retaining the present zoning district designations. The "C-2P" base zoning district is identical to C-2 districts except that there is a 35 foot maximum front setback, rear parking requirements, and additional window requirements. C-2 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.

### **FISCAL IMPACT:**

None.

### **PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

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

### **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval.

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

### **1. Consistency:**

The subject properties are located within the Tobin Hill Neighborhood Plan and are currently designated as “Low Density Mixed Use” in the future land use component of the plan. The requested “C-2P” base zoning district is consistent with the adopted land use designation.

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

Staff finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed rezoning to “C-2P” for the development of a commercial parking lot does not negatively impact the neighboring properties. The request is to remove the Historic Significant designation.

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

The existing “C-2P” base zoning district is appropriate for the surrounding area. There are commercial uses and zoning along St. Mary’s Street. The request will be maintaining the “C-2P” base zoning district.

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

Staff has found no indication of likely adverse effects on the public health, safety, or welfare. The zoning change will not pose a threat to the health, safety, or welfare of the residents within the area. It will add needed commercial parking options along North Saint Mary’s Street.

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

The rezoning request does not appear to conflict with the land use goals and objectives of the Tobin Hill Neighborhood Plan and the Comprehensive Plan.

- The SA Tomorrow Comprehensive Plan and Tobin Hill Neighborhood Plan support preservation of historic resources and structures. The applicant indicates that the resources of historic value that made the “HS” designation originally appropriate no longer exist. The Planning Department recommends consultation with the Office of Historic Preservation to make a recommendation on whether removing the HS designation is appropriate based on the existing conditions of historic resources at the subject property.
- The subject property’s future land use classification is “Low Density Mixed Use.” The Tobin Hill Community Plan described Low Density Mixed Use as consisting of low intensity residential and commercial uses (adjacent lots, or integrated in one structure), shared parking located to rear of structure.” The listed applicable zones include C-2P. The requested C-2P zone is consistent with the policies of the comprehensive plan.

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

The 1.26 acre site is of sufficient size to accommodate the proposed development of a parking lot.

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

The request to have the Historic Significant designation removed was heard by the Historic Design Review Committee on June 6, 2018 and was given a recommendation of approval.