



# City of San Antonio

## Agenda Memorandum

**File Number:**20-4720

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**Agenda Item Number:** Z-5.

**Agenda Date:** 8/20/2020

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z-2020-10700117 S

**SUMMARY:**

**Current Zoning:** "C-2 NCD-1 AHOD" Commercial South Presa Street and South Saint Mary's Street Neighborhood Conservation Airport Hazard Overlay District, "C-3 NCD-1 AHOD" General Commercial South Presa Street and South Saint Mary's Street Neighborhood Conservation Airport Hazard Overlay District, "C-3NA NCD-1 AHOD" General Commercial Nonalcoholic Sales South Presa Street and South Saint Mary's Street Neighborhood Conservation Airport Hazard Overlay District, and "C-2S NCD-1 AHOD" Commercial South Presa Street and South Saint Mary's Street Neighborhood Conservation Airport Hazard Overlay District with a Specific Use Authorization for Bar And/Or Tavern Without Cover Change 3 or More Days Per Week

**Requested Zoning:** "C-2 IDZ NCD-1 AHOD" Commercial Infill Development Zone South Presa Street and South Saint Mary's Street Neighborhood Conservation Airport Hazard Overlay District on 0.6557 acres out of NCB 732 at 1012 South Presa and 1032 South Presa, "C-2 S IDZ NCD-1 AHOD" Commercial Infill Development Zone South Presa Street and South Saint Mary's Street Neighborhood Conservation Airport Hazard Overlay District with a Specific Use Authorization for a Bar on 0.0283 acres out of NCB 732 at 1014 South Presa, and "C-2 S NCD-1 AHOD" Commercial South Presa Street and South Saint Mary's Street Neighborhood Conservation Airport Hazard Overlay District with a Specific Use Authorization for a Bar on West 91.4 Feet of South 111 Feet of Lot 6, Block 31, NCB 791, and Lot A-21 and Lot A-20, NCB 791, located at 1029 South Presa Street, 1035 South Presa Street, and 1248 South Saint Mary's Street.

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 7, 2020

**Case Manager:** Michael Pepe, Planner

**Property Owner:** BE Presa Realty, Ltd

**Applicant:** Mitsuko Ramos

**Representative:** Mitsuko Ramos

**Location:** 1032 South Presa and 1014 South Presa 1020 South Presa, 1248 South Saint Mary's, 1029 South Presa Street, 1035 South Presa Street.

**Legal Description:** 0.6591 acres out of NCB 732, 0.0283 acres out of NCB 732, West 91.4 Feet of South 111 Feet of Lot 6, Block 31, NCB 791, and Lot A-21 and Lot A-20, NCB 791

**Total Acreage:** 1.2361

**Notices Mailed**

**Owners of Property within 200 feet:** 45

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

**Applicable Agencies:** None

**Property Details**

**Property History:** The property was part of the original 36 Square Miles of the City of San Antonio and was originally zoned "J" Commercial District. The property was rezoned from Ordinance 74924 from "J" to "B-2" Business District, "B-2NA" Business Non-Alcoholic Sales District, and "B-3" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-2" converted to "C-2" Commercial District, "B-2" converted to "C-2NA" Commercial Non-Alcoholic Sales District, and "B-3" converted to "C-3" Commercial 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-2"

**Current Land Uses:** Multifamily Dwelling, Clinic

**Direction:** South

**Current Base Zoning:** "C-2"

**Current Land Uses:** Retail Uses

**Direction:** East

**Current Base Zoning:** "C-2", "RM-4" "MF-33" R-6"

**Current Land Uses:** Dwellings, Laundromat

**Direction:** West

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

**Current Land Uses:** Multifamily Dwelling, Wholesaler

**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.

#### "NCD"

The South Presa Street and South Saint Mary's Street Neighborhood Conservation District (NCD-1) is an overlay zoning district that contains design guidelines for rehabilitation of existing residential and commercial development. Property owners, together with the Department of Planning and Community Development staff, develop the design guidelines. These guidelines can address building materials, height, size, massing, signage, sidewalk location, etc. A zoning review is performed by the Zoning Section of the Development Services Department.

#### "IDZ"

Infill Development Zone (IDZ) provides flexible standards for developments. IDZ is to encourage and facilitate development on vacant, bypassed lands, or the redevelopment of underutilized buildings or structures, within existing built-up areas. IDZ may be approved as either a base zoning district or an overlay zoning district. Standards required in an IDZ district shall apply to either IDZ base zoning or the IDZ overlay district except where otherwise specifically stated. Typically IDZ gives flexibility to parking requirements, lots sizes, and setbacks.

#### **Transportation**

**Thoroughfare:** Presa

**Existing Character:** Minor Arterial

**Proposed Changes:** None Known

**Thoroughfare:** St Mary's

**Existing Character:** Principal Arterial

**Proposed Changes:** None Known

**Thoroughfare:** Claudia

**Existing Character:** Local

**Proposed Changes:** None Known

**Public Transit:** VIA bus route are within walking distance of the subject property

**Routs Served:** 34, 36, 42, 232, 242

**Traffic Impact:** A Traffic Impact Analysis (TIA) cannot be determined at this time.

**Parking Information:** Minimum parking requirements are also not required for "IDZ" when used as an overlay district.

#### **ISSUE:**

None.

#### **ALTERNATIVES:**

**CURRENT:** "C-2" and "C-2NA" Commercial districts permit general commercial activities designed to serve the community such as repair shops, wholesale businesses, warehousing and limited retail sales with some outdoor display of goods. These districts promote a broad range of commercial operations and services necessary for large regions of the city, providing community balance. "C-2" districts accommodate commercial and retail uses that are more intensive in character than "NC" and "C-1" uses, and which generate a greater

volume of vehicular traffic and/or truck traffic. C-2NA districts are identical to C-2 districts except that the sale of alcoholic beverages is prohibited.

“C-3” districts are intended to provide for more intensive commercial uses than those located within the NC, C-1 or C-2 zoning districts. C-3 uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses: bar/tavern & nightclub, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market, home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in 35-510 of the Unified Development Code.

PROPOSED: “C-2” Commercial districts permit general commercial activities designed to serve the community such as repair shops, wholesale businesses, warehousing and limited retail sales with some outdoor display of goods. These districts promote a broad range of commercial operations and services necessary for large regions of the city, providing community balance. "C-2" districts accommodate commercial and retail uses that are more intensive in character than "NC" and "C-1" uses, and which generate a greater volume of vehicular traffic and/or truck traffic. The requested “S” would allow for a bar / tavern pursuant to a site plan.

#### **FISCAL IMPACT:**

None.

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

The subject property is within the Downtown Regional Center and is located within the Premium Transit Corridor.

#### **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (10-0) 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 Regional Center Plan and is currently designated as “Urban Mixed Use” in the future land use component of the plan. The requested “C-2 S” and “C-2 IDZ” base zoning districts are 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 requested rezoning mitigates potential impacts of the existing “C-3NA” district.

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

The current “C-2NA” and “C-3” are appropriate zonings for the property. The requested “C-2 S” and “C-2 IDZ” are also appropriate zonings for the property and the surrounding area while allowing the applicant to better utilize the existing commercial buildings.

##### **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 proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the Downtown Regional Center Plan:

### **Goal 4: Diversify the Mix of Uses in the Downtown Core**

- Encourage new and renovated buildings to incorporate a mix of uses;
- Encourage the development of vacant lots in the city center with a geographically balanced mix of uses;
- Cultivate entrepreneurship, small business, and innovation;

### **Lavaca Neighborhood Priorities:**

Support business growth on South Presa and South St. Mary's Streets.

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

The subject property is 1.2361 acres, which could reasonably the requested commercial uses.

## **7. Other Factors:**

The applicant intends to continue the uses of a Bar and Restaurant.

This zoning request includes the intention to demolish buildings. In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. Approval of a zoning change does not imply approval of or take the place of such demolition review as directed by the UDC. To date, no application for demolition at this address to accommodate the proposed use has been submitted for review to the Office of Historic Preservation.

The purpose of the Specific Use Authorization 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 with may, under the right set of circumstances and conditions be acceptable in certain specific locations.