



# City of San Antonio

## Agenda Memorandum

**File Number:**21-3331

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**Agenda Item Number:** 20.

**Agenda Date:** 5/4/2021

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z-2021-10700070

**SUMMARY:**

**Current Zoning:** "C-2NA H UC-4 AHOD" Commercial Nonalcoholic Sales Tobin Hill Historic North St. Mary's St Urban Corridor Airport Hazard Overlay District

**Requested Zoning:** "C-2 H UC-4 AHOD" Commercial Tobin Hill Historic North St. Mary's St Urban Corridor Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** May 4, 2021

**Case Manager:** Michael Pepe, Senior Planner

**Property Owner:** Coyotl LLC

**Applicant:** Danny Delgado

**Representative:** Danny Delgado

**Location:** 609 East Dewey Place

**Legal Description:** Lot 3, East 17.6 Feet of Lot 2 & West 30.3 feet of Lot 4, Block 4, NCB 2997

**Total Acreage:** 0.32

**Notices Mailed**

**Owners of Property within 200 feet:** 22

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

**Applicable Agencies:** Planning Department

### **Property Details**

**Property History:** The property is part of the original 36 Square Miles of San Antonio and was originally zoned "J" Commercial District. The property was zoned from "J" to "B-3NA" Business Nonalcoholic Sales District by Ordinance 83331 on December 14th, 1998. The subject property converted from "B-2NA" to "C-2NA" Commercial Nonalcoholic Sales with the adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001.

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

### **Adjacent Base Zoning and Land Uses**

**Direction:** North

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

**Current Land Uses:** Restaurant

**Direction:** South

**Current Base Zoning:** "R-6", "IDZ S"

**Current Land Uses:** Single-family homes, Warehouse laboratory

**Direction:** East

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

**Current Land Uses:** Small Retail

**Direction:** West

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

**Current Land Uses:** Office complex

### **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.

"H"

The surrounding properties are located in the Tobin Hill Historic District, which was adopted in 2006. 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.

"UC"

The Urban Corridor overlay was established because there are many roadway corridors which have been and/or will continue to be very significant to the city. The corridors are important because they have shaped the sense of what individual neighborhoods are in their role as historic entrances to the city. Other corridors are significant because they serve as gateways to the city or because of surrounding natural, historic, cultural, and aesthetic areas. The establishment of "UC" serves to preserve, enhance, and perpetuate the value of specific roadway corridors.

### **Transportation**

**Thoroughfare:** St Marys

**Existing Character:** Arterial

**Proposed Changes:** None known

**Thoroughfare:** Dewey

**Existing Character:** Collector

**Proposed Changes:** None known

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

**Routes served:** 5, 8, 20, 90, 289

**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:** The minimum parking requirement for a restaurant is 1 space per 100 square feet of gross floor area.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current:** The existing “C-2NA” allows 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. C-2NA districts are identical to C-2 districts except that the sale of alcoholic beverages is prohibited.

**Proposed:** 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 the Midtown Regional Center and is located within the 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 property is located within the Midtown Regional Center Plan and is currently designated as “Urban 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.

## **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 proposed “C-2” is an appropriate zoning and is consistent with adjacent zoning districts and uses. The request would only change the allowance for on-site sales of alcoholic beverages, which the applicant is requesting for operation of a restaurant. Bars / Taverns are not permitted within the “C-2” zoning district.

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

The current “C-2NA” Commercial is an appropriate zoning for the property and surrounding area. The proposed “C-2” is also appropriate as it allows existing building to be reutilized as a restaurant which is consistent with the uses found along the St. Mary’s corridor.

## **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 Midtown Regional Center Plan:

### **Goal 1: Preserve Midtown’s Distinct Character**

Preserve the Midtown Area’s essential character-defining elements: the diversity of people and the unique character of individual places and neighborhoods.

### **Goal 4: Support Unique, Mixed Activity Areas**

Foster an appropriate mix, density, and orientation of land uses in each part of Midtown to maintain the character of unique places, such as the North St. Mary’s Street music culture.

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

The subject property is 0.32 acres, which could reasonably accommodate the requested commercial uses.

## **7. Other Factors:**

The applicant is rezoning to allow for alcohol sales at a proposed restaurant to be operated in the existing building.

This property is located within the Tobin Hill Historic District. Any proposed exterior alterations associated with the proposal will require approval from the Office of Historic Preservation. Approval of a site plan or renderings submitted as part of a zoning application does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. To date, no application has been made to the Office of Historic Preservation for this project.