



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-3025  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment

**On agenda:** 5/4/2020

**Title:** BOA-20-10300024: A request by Lake Flato Architects for a request for a 12' variance from the River Improvement Overlay required maximum height of 84' to allow a new commercial building with architectural features to be 96' high, located at 646 South Flores Street. Staff recommends Approval. (Council District 1) (Dominic Silva, Senior Planner (210) 207-0120, dominic.silva@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. HDRC Documents, 2. Aerial Map

Date	Ver.	Action By	Action	Result
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**Case Number:** BOA-20-10300024  
**Applicant:** Lake Flato Architects  
**Owner:** Todd Piland/Butt H E Grocery Co.  
**Council District:** 1  
**Location:** 646 South Flores Street  
**Legal** Lot 6, Block 3, NCB 929  
**Description:**  
**Zoning:** "D H HE HS RIO-4 AHOD" Downtown Arsenal Historic River Improvement Overlay Airport Hazard Overlay District  
**Case Manager:** Dominic Silva, Senior Planner

### Request

A request for a 12' variance from the River Improvement Overlay required maximum height of 84', as described in Article VI, Division 6, Section 35-674.01 Building Design Principles in RIOs 1 through 6, Table 674-2, to allow a new commercial building with architectural features to be 96' high.

### Executive Summary

The subject property is located in the center of HEB's Arsenal Campus off South Flores Street, East Cesar Chavez Boulevard, and East Arsenal Street. Currently, the location of the project is a surface parking lot. The conceptual design depicts 4 ½ to 5 levels, 96' in height. The uses will include commercial and office space, food/drink retail, an amphitheater, and multiple courtyards utilizing low impact development and sustainable

design.

The proposed structure is surrounded by existing commercial structures on all sides, with considerable distance from all right-of-way: approximately 342’ from E. Cesar Chavez Boulevard; 445’ from East Arsenal Street; and 568’ from South Flores Street.

As the proposed project is located within the River Improvement Overlay-4 (RIO-4) District, design guidelines must be adhered to and a review must be conducted by the Historic and Design Review Commission (HDRC). The proposed project was heard by the HDRC January 15, 2020 and was recommended as approval. Below are the guidelines of the RIO-4 District the applicant is seeking a variance for:

C. Height. Building heights vary along the river corridor, from one-story houses to high-rise hotels and apartments. This diversity of building heights is expected to continue. However, within each zone, a general similarity in building heights should be encouraged in order to help establish a sense of visual continuity. In addition, building heights shall be configured such that a comfortable human scale is established along the edges of properties and views to the river and other significant landmarks are provided while allowing the appropriate density for an area.

1. The maximum building height shall be as defined in Table 674-2.

A. Solar access standards subsection 35-673(a), and massing standards subsection 35-674(b) also will affect building heights.

Table 674-2

Description	RIO-1	RIO-2	RIO-3	RIO-4	RIO-5	RIO-6
Maximum # of Stories	5	10	None	7	5	4
Maximum Height in Feet	60 ft.	120 ft.	None	84 ft.	60 ft.	50 ft.

**Code Enforcement History**

No code enforcement history exists on this property.

**Permit History**

No permits have been processed for this project.

**Zoning History**

The property is within the original 36 square miles of the City of San Antonio and was originally zoned as “K” Commercial District. The “K” Commercial District was rezoned to “B-4” Central Business District by Ordinance 7492, dated December 9, 1991. The “B-4” Central Business District was converted to the current “D” Downtown District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“D H HE HS RIO-4 AHOD” Downtown Arsenal Historic River Improvement Overlay Airport Hazard Overlay District	Parking Lot

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential
South	“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential
East	“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential
West	“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is within the boundaries of the Arena District and is designated as “Medium Density Residential” in the future land use component of the plan. The subject property is within the boundaries of the Jefferson Heights neighborhood association.

**Street Classification**

East Crockett is classified as a local street.

**Criteria for Review**

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

**The public interest is defined as the general health, safety, and welfare of the public. In this case, given the location of the lot, granting the variances still provides adequate accessibility to light, air, and open space.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

**A literal enforcement of the ordinance would result in unnecessary hardship due to significantly reducing the amount of developable space within the HEB Arsenal Campus.**

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

**The spirit of the ordinance is the intent of the code, rather than the strict letter of the law. The intent of the height limitation within the RIO-4 District is to prevent height and massing in comparison to adjacent properties. Given the location of the proposed project, all intents of this law will be observed if approved.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

**The requested variance will not permit a use not authorized within the district it is located in.**

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

**This variance would not substantially injure or alter the use or character of adjacent conforming property or character of the district. Specifically, the variance would not place the structure out of character within the community as well as the HEB Campus.**

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

**The unique circumstances existing on the property are neither due to the general conditions of the district, nor due to the owner, and is not financial in nature. Given the location of the proposed structure within the HEB Campus, HDRC approval, and design characteristics matching the district, the requested variance**

### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to height requirements set forth in the Unified Development Code, Section 35-674.01, Table 674-2.

### **Staff Recommendation**

Staff recommends **APPROVAL** of **BOA-20-10300024**, based on the following findings of fact:

1. The requested variances will not detract from the character of the district, and;
2. Adequate space will be utilized to prevent storm water runoff, maintenance of property, and maintenance of the structure without trespass, and;
3. The proposed structure is set well within the HEB campus with adequate space to any right-of-way that prevents uncharacteristic height differences.