



# City of San Antonio

## Agenda Memorandum

**File Number:**13-786

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**Agenda Item Number:** 4.

**Agenda Date:** 10/17/2013

**In Control:** City Council A Session

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**DEPARTMENT:** Center City Development Office

**DEPARTMENT HEAD:** Lori Houston

**COUNCIL DISTRICTS IMPACTED:** District 1

### **SUBJECT:**

HemisFair Park Redevelopment Hotel Restriction

### **SUMMARY:**

This ordinance authorizes a land use restriction that limits hotel development on City-owned land in the HemisFair site. This land use restriction will also apply to other land in the HemisFair site that the City may acquire in the future. This restrictive covenant will be placed on the HemisFair site by filing a Declaration of Restrictive Covenants in the Bexar County Public Records. When filed, the restrictive covenant will be binding upon all subsequent owners and lessees of the land.

The restriction may be enforced by the City or by the San Antonio Conservation Society. The hotel restriction will apply to the HemisFair site in perpetuity, unless the restriction is amended or terminated. The approval of the City and the San Antonio Conservation Society is needed to amend or terminate the restriction, as well as the approval of a majority of any landowners that may acquire a portion of the HemisFair site in the future.

### **BACKGROUND INFORMATION:**

In September 2009, City Council voted to establish HemisFair Park Area Redevelopment Corporation, a Local Government Corporation, in part to develop a plan for re-development of the HemisFair site and adjacent areas. On February 9, 2012, City Council approved the Framework and Master Plan of the HemisFair Park Area Redevelopment Corporation as the conceptual strategy for the redevelopment of the original HemisFair site. The Master Plan envisions balanced land uses within the HemisFair site, with a policy of mixed-use development throughout the site, with a blend of open space, plazas, courtyards and civic, commercial and

residential uses.

Effective September 1, 2013, the 83<sup>rd</sup> Texas Legislature enacted an amendment to the Local Government Code, § 379C.014. This new statute authorizes the City to convey the Hemisfair site to a land bank subject to any deed restrictions that the municipality adopts, before January 1, 2014, so long as at least 18 acres of dedicated public squares or parks remains.

This land use restriction refines the principles of the Master Plan by limiting hotel development in the Hemisfair site to ensure a balance of land uses. Limitations include:

1. The combined floor area of all hotels will be limited to an aggregate total of 400,000 square feet.
2. No single hotel will have floor area of more than 200,000 square feet.
3. The total number of hotel guest rooms on the Hemisfair site will not exceed 200.
4. Each hotel building with guest rooms must be at least 300 feet away from another hotel building with guest rooms.
5. The restrictions are not applicable to non-hotel residential units located in the Hemisfair site.

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## **ISSUE:**

This ordinance authorizes the filing of a Declaration of Restrictive Covenants that would be effective prior to conveyance to the land bank. Any subsequent conveyance by the City would be subject to this Declaration of Restrictive Covenants.

## **ALTERNATIVES:**

The filing of the Declaration of Restrictive Covenants could be delayed to occur contemporaneously with a conveyance to the land bank. Should authority to file the Declaration of Restrictive Covenants not be approved, the Hemisfair site would pass to the land bank without a restriction that limits hotel development.

## **FISCAL IMPACT:**

There is no fiscal impact on the General Fund.

**RECOMMENDATION:**

Staff recommends approval of this ordinance authorizing the hotel restrictions on the Hemisfair site.