



# City of San Antonio

## Agenda Memorandum

**File Number:**13-995

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

**Agenda Date:** 12/5/2013

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**SUBJECT:**

Zoning Case Z2014003

**SUMMARY:**

**Current Zoning:** "I-1 RIO-2 AHOD" General Industrial River Improvement Overlay-2 Airport Hazard Overlay District and "I-1 RIO-2 UC-2 AHOD" General Industrial River Improvement Overlay-2 Broadway Urban Corridor Airport Hazard Overlay District

**Requested Zoning:** "IDZ RIO-2 AHOD" Infill Development Zone River Improvement Overlay-2 Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and a Bar And/Or Tavern Without Cover Charge 3 or More Days per Week and "IDZ RIO-2 UC-2 AHOD" Infill Development Zone River Improvement Overlay-2 Broadway Urban Overlay Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and a Bar And/Or Tavern Without Cover Charge 3 or More Days per Week

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 5, 2013

**Case Manager:** Brenda V. Martinez, Planner

**Property Owner:** Broadway SA Investors GP, LLC (by Lewis Westerman, Vice President)

**Applicant:** Christopher Erck

**Representative:** Christopher Erck

**Location:** 401 Pearl Parkway

**Legal Description:** Lots 11, 12, 13, 14 and 15, Parcel 100 and the south 40.5 feet of Lot 10, NCB 969

**Total Acreage:** 0.8365

## **Notices Mailed**

**Owners of Property within 200 feet:** 20

**Registered Neighborhood Associations within 200 feet:** Downtown Residents Association. The Tobin Hill Community Association is located within 200 feet.

**Planning Team:** 13 (Tobin Hill Neighborhood Plan)

**Applicable Agencies:** Office of Historic Preservation

## **Property Details**

**Property History:** The property is located within the City Limits as they were recognized in 1938, and was originally zoned "K" Commercial District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "I-1" General Industrial District. The subject site is currently developed with a warehouse measuring 12,000 square feet. According to the Bexar County Appraisal District, the warehouse was constructed in 1970.

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

## **Adjacent Zoning and Land Uses**

**Direction:** North and East

**Current Base Zoning:** "I-1"

**Current Land Uses:** Restaurant, Office, Vacant Land and a Vacant Commercial Structure

**Direction:** South

**Current Base Zoning:** "C-2 IDZ" and "I-1"

**Current Land Uses:** Antique Store, Restaurant, Law Offices and Parking

**Direction:** West

**Current Base Zoning:** "IDZ"

**Current Land Uses:** Parking and US Highway 281

**Overlay and Special District Information:** 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.

All surrounding properties carry the "RIO" River Overlay District, due to their proximity to the San Antonio River. The purpose of these districts is to establish regulations to protect, preserve and enhance the San Antonio River and its improvements by establishing design standards and guidelines.

## **Transportation**

**Thoroughfare:** Avenue B

**Existing Character:** Local Street; 1 lane and 1 bike lane in each direction

**Proposed Changes:** None known

**Thoroughfare:** Pearl Parkway

**Existing Character:** Local Street; 2 lanes with 2 turning lanes and a center median

**Proposed Changes:** None known

**Thoroughfare:** Broadway

**Existing Character:** Primary Arterial Type B Street; 3 lanes in each direction

**Proposed Changes:** None known

**Thoroughfare:** Highway 281

**Existing Character:** Freeway; 8 lanes

**Proposed Changes:** None known

**Public Transit:** The nearest VIA bus lines are the 9, 10, 14 and 209 lines, which operate along Broadway and Pearl Parkway.

**Traffic Impact:** A Traffic Impact Analysis has been waived for the following reasons: IDZ zoning is exempt from TIA requirements.

**Parking Information:** Off-street vehicle parking requirements are determined by use, and often size of the development. The zoning application refers generally to retail uses. Therefore, staff cannot calculate the amount of parking that would be required of such a development. In addition to general retail uses, the rezoning request specifically includes a bar use. Parking requirements for a nightclub or bar/tavern are determined by the building area gross square footage, which includes accessory uses such as offices, kitchens, restrooms, storage areas, mechanical and dressing rooms.

Alcohol - bar/tavern or nightclub - Minimum Parking Requirement: 1 space per 100 square feet of Gross Square Footage (GSF). Maximum Parking Requirement: 1 space per 75 square feet of GSF.

The “IDZ” Infill Development Zone District eliminates off-street vehicle parking requirements.

**ISSUE:**

The Tobin Hill Community Association does not object to the proposed zoning change.

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the current industrial zoning, restricting future land uses to those permissible in the “I-1” zoning district.

**FISCAL IMPACT:**

None. The zoning request is eligible for the Inner City Reinvestment Infill Policy fee waiver. The Development Services Department fees will be reimbursed through grant funding.

**RECOMMENDATION:**

Staff and Zoning Commission (8-0) 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 Tobin Hill Neighborhood Plan and is designated as High Density Mixed Use in the future land use component of the plan. The requested “IDZ” base zoning district is consistent with the adopted land use plan.

The subject property is also located within the Midtown Brackenridge TIRZ Master Plan, and is identified as part of the Midtown neighborhood urban core, which encourages community retail, services, offices, urban residential, restaurants, and entertainment uses.

The “IDZ” base zoning district, as well as the uses permitted in “C-2” and the bar use are all consistent with the encouraged development pattern in the plan.

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

Staff has found no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The “IDZ” zoning district is meant to provide flexible standards for the development and reuse of underutilized parcels. Further, the “IDZ” and “RIO-2” districts include design criteria intended to create infill development that is proportional to surrounding development.

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

The existing “I-1” zoning district is not appropriate for the subject property. The “I-1” General Industrial District accommodates areas of heavy and concentrated fabrication, manufacturing and industrial uses. The requested “IDZ” base zoning district and requested commercial uses are appropriate for the subject property. Further, the subject property is located in close proximity to high-intensity mixed-use redevelopment along Broadway with access to public transit.

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

Staff has found no evidence of likely negative impacts on public health, safety or welfare related to the zoning request. The “IDZ” district is meant to encourage and facilitate development on vacant, bypassed lands, or the redevelopment of underutilized buildings or structures, within existing built-up areas.

## **5. Public Policy:**

The subject property and the proposed development meet the criteria of the Inner City Reinvestment Infill Policy (ICRIP). This policy provides development fee waivers to applicants and grant funded reimbursement for city departments, in an effort to encourage redevelopment of under-utilized urban properties.

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

The subject property is 0.8365 acres and appears to be of sufficient size to accommodate the proposed development with the flexibility offered by the “IDZ” district.

## **7. Other Factors:**

None.