



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-2683  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 4/2/2018  
**Title:** A-18-058: A request by Jennifer Gonzalez for a special exception from the following Form Based Zone District design requirements: 1) to reduce the minimum required parking spaces from 75 to 40, 2) to increase the maximum lot coverage from 80 percent to 85 percent, 3) to waive the setback from five feet to zero feet, 4) to increase the maximum height of the principle building from four stories to five stories, and 5) to waive the required use of massing breaks, located at 1500 North St. Mary's Street & 405 West Jones Avenue. Staff recommends Approval. (Council District 1)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. A-18-058 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-18-058  
**Applicant:** Jennifer Gonzalez  
**Owner:** Myers Riverwalk Investments, LLC  
**Council District:** 1  
**Location:** 1500 North St. Mary's Street & 405 West Jones Avenue  
**Legal Description:** Lot 1A 2A B2, Block G, NCB 997 & Lot E 126.2 FT. of C or  
**Description:** A-14 & A-15, Block G, NCB 997  
**Zoning:** "FBZD T5-1 RIO-2 AHOD" Form Based Zone River Improvement Overlay Airport Hazard Overlay District  
**Case Manager:** Debora Gonzalez, Senior Planner

### Request

A request for a special exception from the following Form Based Zone District design requirements: 1) to reduce the minimum required parking spaces from 75 to 40, 2) to increase the maximum lot coverage from 80% to 85%, 3) to waive the setback from 5 feet to zero feet, 4) to increase the maximum height of the principle building from four stories to five stories, and 5) to waive the required use of massing breaks.

### Executive Summary

The subject properties are located south of the intersection of North St. Mary's Street and West Jones Ave. The applicant is seeking a total of five special exceptions for a proposed 98 unit multi-family development across both properties. The first request is to reduce the required minimum number of parking spaces. The second special exception seeks to increase the maximum impervious cover from 80 percent to 85 percent. The third request seeks to waive the design standards requiring a five foot front setback. The fourth special exception is

to increase the maximum building height from four stories to five stories, and the last request is to waive the requirement that massing breaks be utilized on frontages exceeding 150 linear feet to allow for the development of a structure without massing breaks.

Regarding the first special exception request, while staff is generally hesitant to support the reduction of required parking, in this context, it is appropriate. The development is located very near downtown and benefits from a diverse framework of transit alternatives including walking, bus routes, and bike trails. The second request seeks to permit 85 percent impervious lot coverage, rather than 80 percent. Staff finds that the request is minimal in nature and, from aerial views, it appears that current lot conditions exceed even the requested 85 percent. The code requires five foot minimum setbacks as a design element within the Form Based Zone District. Staff cannot establish how the public interest will be harmed by reducing the required setback to allow development along the property line. This design is typical throughout the Form Based Zone area and the Downtown District. The fourth special exception seeks to allow a five story construction, rather than four. The addition of a fifth story will not harm the Form Based Zone District because several other buildings, in excess of the typical four story building height, exist within the immediate vicinity including the Catholic Central High School with its tall design elements, located to the south of the subject property, as well as The Pearl, located just north of the subject property. The Form Based Zoning District requires, along frontages exceeding 150 linear feet, the use of a massing break, in the form of forecourts measuring 25 feet in length extending to one third (1/3) the lot. The applicant is concerned that, by the measurement, providing one massing break along St. Mary's Street and two along West Jones Avenue, would consume a considerable amount of land, upon what is already a small, downtown tract. The result would be either a significant loss of density or would require the procurement of more land, which will have the unintended effect of increasing costs for low-income rental units.

### **Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
"FBZ- T5-1 RIO-2 AHOD" Form Based Zoning River Improvement Overlay Airport Hazard Overlay District	Auto Parts, Biochemical Laboratory/ Proposed Multi-Family Development

### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"FBZ- T5-1 RIO-2 AHOD" Form Based Zoning River Improvement Overlay Airport Hazard Overlay District	Restaurant, Hotel, Vacant
South	"FBZ- T5-1 RIO-2 AHOD" Form Based Zoning River Improvement Overlay Airport Hazard Overlay District	Gymnasium, Auto Sales
East	"FBZ- T5-1 RIO-2 AHOD" Form Based Zoning River Improvement Overlay Airport Hazard Overlay District	Single-Family Dwelling
West	"FBZ- T5-1 RIO-2 AHOD" Form Based Zoning River Improvement Overlay Airport Hazard Overlay District	Newspaper, Auto Parts

### **Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the Downtown Neighborhood Plan and currently designated as Mixed Use in the future land use component of the plan. The subject property is located within the boundaries of the Downtown Residents Neighborhood Association. As such, they were notified and asked to comment.

### **Criteria for Review**

According to Section 35-482(h) of the UDC, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the five following conditions:

*A. The special exception will be in harmony with the spirit and purpose of the chapter.*

**The requested special exceptions will be in harmony with the spirit of purpose of the chapter because each request seeks to make slight modifications, based upon the context in which the project is located, to fulfill a public interest, being the need for affordable housing options.**

*B. The public welfare and convenience will be substantially served.*

**In this case, the public welfare will be substantially served by design requirements intended to provide for consistent development within the Form Based Zoning area, and to discourage parking as a primary use within the zoning area. The “T5-1” River North Calibration transect limits the maximum number of stories to four. Generally, development within the transect zones occurs on a lot by lot basis. In this case, the project seems to encompass nearly the entire block. Due to the nature of the proposed multi-family project it well served by transit, and because the scale of the project exceeds the typical development within this FBZD area, staff finds that permitting the special exceptions are warranted and are not contrary to the public interest.**

*C. The neighboring property will not be substantially injured by such proposed use.*

**The special exceptions of the proposed multi-family project are highly unlikely to injure adjacent properties. Nearby properties already benefit from much of what the applicant is seeking from the Board.**

*D. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.*

**The applicant borders with “FBZD T5-1” properties; the special exceptions of the proposed multi-family project do not detract from the character of the neighborhood.**

*E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.*

**The subject property is located within the “FBZD T5-1” Form Based Zoning River Improvement Overlay District, which permits a wide variety of housing options. It is difficult to establish how the proposed multi-family project weakens the purpose of the Form Based Zone District.**

### **Alternative to Applicant’s Request**

The alternative to the applicant’s requests is to conform to the design requirements set forth in the Form Based Zoning District.

### **Staff Recommendation**

Staff recommends **APPROVAL** of the special exception in **A-18-058** based on the following findings of fact:

1. Surrounding properties already enjoy much of what the applicant seeks from the Board, and;
2. There are no abutting properties to be harmed by the request.