



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-4215

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 7/17/2018

**Title:** ZONING CASE # Z2018252 (Council District 2): A request for a change in zoning from "C-2 RIO-1 DN UC-2 NCD-9 AHOD" Commercial River Improvement Overlay Development Node Broadway Urban Corridor Westfort Neighborhood Conservation Overlay Airport Hazard Overlay District and "IDZ RIO-1 DN UC-2 NCD-9 AHOD" Infill Development Zone River Improvement Overlay Development Node Broadway Urban Corridor Westfort Neighborhood Conservation Overlay Airport Hazard Overlay District to "IDZ RIO-2 DN UC-2 NCD-9 AHOD" Infill Development Zone River Improvement Overlay Development Node Broadway Urban Corridor Westfort Neighborhood Conservation Overlay Airport Hazard Overlay District with uses permitted in "O-2" High Rise Office District, "C-2" Commercial District and a Bar/Tavern with or without cover charge 3 or more days per week on Lots 1-4, 7-12, P-100, P-101, P-102, P-103, P-105, and P-106, Block 33, NCB 1763, generally located at 2100 Broadway Street. Staff recommends Denial, with an Alternate Recommendation.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan, 3. OHP Staff Report

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2018252

**SUMMARY:**

**Current Zoning:** "C-2 RIO-1 DN UC-2 NCD-9 AHOD" Commercial River Improvement Overlay Development Node Broadway Urban Corridor Westfort Neighborhood Conservation Airport Hazard Overlay District and "IDZ RIO-1 DN UC-2 NCD-9 AHOD" Infill Development Zone River Improvement Overlay Development Node Broadway Urban Corridor Westfort Neighborhood Conservation Airport Hazard Overlay District

**Requested Zoning:** "IDZ RIO-2 DN UC-2 NCD-9 AHOD" Infill Development Zone River Improvement Overlay Development Node Broadway Urban Corridor Westfort Neighborhood Conservation Airport Hazard Overlay District with uses permitted in "O-2" High Rise Office District, "C-2" Commercial District and a Bar/Tavern with or without cover charge 3 or more days per week

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 17, 2018

**Case Manager:** Marco Hinojosa, Planner

**Property Owner:** North Alamo Properties, LLC (c/o Victor Andonie, Member)

**Applicant:** Stream Realty Acquisition, LLC

**Representative:** Brown & Ortiz, P.C. (c/o James B. Griffin)

**Location:** Generally located at 2100 Broadway Street

**Legal Description:** Lots 1-4, 7-12, P-100, P-101, P-102, P-103, P-105, and P-106, Block 33, NCB 1763

**Total Acreage:** 1.48

**Notices Mailed**

**Owners of Property within 200 feet:** 19

**Registered Neighborhood Associations within 200 feet:** Downtown Residents Association

**Applicable Agencies:** Office of Historic Preservation; Planning Department

**Property Details**

**Property History:** The subject properties were a part of the original 36 square miles of San Antonio and were zoned "J" Commercial District. The properties were a part of a large area rezoning which changed the base zoning from "J" to "B-2" Business District and "B-3NA" Business Nonalcoholic Sales District by Ordinance 90004, dated June 24, 1999. The properties converted from "B-2" and "B-3NA" to "C-2" Commercial District and "C-3 NA" General Commercial Nonalcoholic Sales District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001. The properties located on the northwestern corner of Alling Street and North Alamo Street were rezoned from "C-2" to "IDZ" Infill Development Zone District with Multi-Family Residences not to exceed 175 units an acre. The property was recently rezoned from "C-2 RIO-1 UC-2 NCD-9 AHOD" Commercial River Improvement Overlay Broadway Urban Corridor Westfort Alliance Neighborhood Conservation Airport Hazard Overlay District, "IDZ RIO-1 UC-2 NCD-9 AHOD" Infill Development Zone River Improvement Overlay Broadway Urban Corridor Westfort Alliance Neighborhood Conservation Airport Hazard Overlay District with Multi-Family Residences not to exceed 175 units an acre to "C-2 RIO-1 DN UC-2 NCD-9 AHOD" Commercial River Improvement Overlay Development Node Broadway Urban Corridor Westfort Alliance Neighborhood Conservation Airport Hazard Overlay District, "IDZ RIO-1 DN UC-2 NCD-9 AHOD" Infill Development Zone River Improvement Overlay Development Node Broadway Urban Corridor Westfort Alliance Neighborhood Conservation Airport Hazard Overlay District with Multi-Family Residences not to exceed 175 units an acre by Ordinance 2018-02-15-0132, dated February 15, 2018.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

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

**Current Land Uses:** Food Trucks Stations and Retail Shop

**Direction:** East

**Current Base Zoning:** "IDZ"

**Current Land Uses:** Alamo Colleges District Support Operations Building

**Direction:** South

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

**Current Land Uses:** Catering Business, Duplex and Law Office

**Direction:** West

**Current Base Zoning:** "C-2", "C-2 IDZ", "IDZ"

**Current Land Uses:** Emergency Clinic, Furniture Store, Office Building

### **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.

"RIO-1"

All surrounding properties carry the "RIO-1" 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.

"UC-2"

The following area is designated as the Broadway urban corridor district: both sides of Broadway, an arterial, between IH-35 and the city limits of Alamo Heights for a distance of two hundred (200) feet from the street right-of-way. This corridor meets the following designation criteria established by section 28-61: The corridor provides primary access to one or more major tourist attractions. The corridor abuts, traverses, or links the San Antonio River or its major tributaries, area lakes, or major parks.

"NCD-9"

The Westfort Neighborhood Conservation District (NCD-9) is an overlay zoning district that contains design guidelines for rehabilitation of existing residential and commercial development. Property owners, together with the Department of Planning and Community Development staff, develop the design guidelines. These guidelines can address building materials, height, size, massing, signage, sidewalk location, etc. A zoning review is performed by the Zoning Section of the Development Services Department.

### **Transportation**

**Thoroughfare:** Broadway Street

**Existing Character:** Primary Arterial

**Proposed Changes:** None Known

**Thoroughfare:** North Alamo Street

**Existing Character:** Primary Arterial

**Proposed Changes:** None Known

**Thoroughfare:** Appler Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** Alling Street  
**Existing Character:** Local Street  
**Proposed Changes:** None Known

**Public Transit:** VIA bus routes 9, 10, 14, 20, 209 and 214 are within walking distance of the subject properties.

**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 properties designated “IDZ” Infill Development Zone District do not have to provide off-street vehicle parking.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designations of “C-2” and “IDZ”.

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.

IDZ provides flexible standards for use, setbacks, and parking for the development and reuse of underutilized parcels within a qualifying area of the city.

**FISCAL IMPACT:**

None.

**Proximity to Regional Center/Premium Transit Corridor**

The subject properties are located within the Midtown Regional Center and are also located within a ½ of a mile of New Braunfels Avenue and Austin Highway Premium Transit Corridors.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial, with Alternate Recommendation of approval of the requested base district of “IDZ”, but maintain the current “RIO-1” overlay designation: "IDZ RIO-1 DN UC-2 NCD-9 AHOD" Infill Development Zone River Improvement Overlay Development Node Broadway Urban Corridor Westfort Neighborhood Conservation Airport Hazard Overlay District with uses permitted in "O-2" High Rise Office District,"C-2" Commercial District and a Bar/Tavern with or without cover charge 3 or more days per week.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

**1. Consistency:**

The subject properties are located within the Westfort Neighborhood Plan and are currently designated as “Mixed Use” in the future land use component of the plan. The current “C-2” and “IDZ” base zoning districts are consistent with the future land use designation.

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

Staff has not found evidence of likely adverse impacts on neighboring lands in relation to this zoning change request of the requested base district.

**3. Suitability as Presently Zoned:**

The current “C-2” and “IDZ” are appropriate zoning for the property and surrounding area. The properties in the area carry similar commercial and “IDZ” base zoning.

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

Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

**5. Public Policy:**

The future land use plan did not explicitly address which RIO overlay zones are applicable in any given location. Both the RIO-1 and RIO-2 design objectives listed at UDC Sec. 35-670 appear to be consistent with the “Mixed Use” category description in the future land use plan. The Midtown Brackenridge TIRZ Plan, an adopted element of the City’s comprehensive plan, included a “character areas” element, and included the subject property in the “Urban Core Character Area” with blocks adjacent to Broadway Street as far south as I-35. “This character area is intended to support highest intensity mixed use development with a strong street edge, active ground floor, and streetscape amenities...” Accordingly the RIO-2 Overlay Zone, which allows for the most urban mixed use development of all the RIO Overlay zones, and which promotes the most urban and high quality streetscape amenities would be an appropriate Overlay Zone for the subject property and other properties identified as “Mixed Use” in the future land use map and identified as “Urban Core Character Area.”

However, the existing RIO-1 Overlay Zone includes the subject property, areas adjacent to Broadway Street as far north as Hildebrand Avenue, and an additional block south to its border with the RIO-2 Overlay Zone at Josephine Street. The requested change to RIO-2 on the subject property would create a block of RIO-2 overlay zoning within an area that is otherwise the RIO-1 Overlay Zone. Mixing RIO overlay zoning districts within the boundaries of each other would be contrary to goals of maintaining a system of distinct RIO Overlay Zones.

Relevant Goals and Policies of the SA Tomorrow Comprehensive Plan may include:

**GCF Goal 4:** Sustainable infill and mixed-use development provide walkable and bikeable destinations for all residents.

**GCF P8:** Continue to focus on the revitalization of neighborhoods adjacent to downtown and extend these efforts to regional centers, urban centers and transit corridors.

**GCF P9:** Allow higher-density and mixed uses in portions of, or adjacent to, single-family residential areas to encourage shopping, services and entertainment amenities in closer proximity to housing and where appropriate.

**GCF P12:** Develop programs to encourage and incentivize adaptive reuse.

**GCF P14:** Establish appropriate buffers and transitions (land use, form and/or landscaping) between residential neighborhoods and surrounding higher-density development.

**GCF P31:** Promote development that leverages and protects the public's investment in major green infrastructure and natural resources projects (e.g., the San Antonio River Improvements Project and other creek and trail restoration projects). (See also PFCS P9)

**TC P30:** Design commercial, residential, educational, cultural, and recreational facilities that support and provide access to and all transportation modes.

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

The subject property is 1.48 acres, which would adequately support an infill development that includes office and commercial uses.

## **7. Other Factors:**

Infill Development Zone (IDZ) provides flexible standards for developments. IDZ is to encourage and facilitate development on vacant, bypassed lands, or the redevelopment of underutilized buildings or structures, within existing built-up areas. IDZ may be approved as either a base zoning district or an overlay zoning district. Standards required in an IDZ district shall apply to either IDZ base zoning or the IDZ overlay district except where otherwise specifically stated. Typically IDZ gives flexibility to parking requirements, lots sizes, and setbacks.

Additionally, the applicant's request for IDZ is consistent with the following criteria:

- The applicant's request meets the Master Plan's Policy for Growth Management - Policy 1g, because it makes physical improvements on an inner city property encouraging redevelopment and infill development.
- The applicant's request meets the Master Plan's Policy for Economic Development - Goal 4, because it targets an area within Loop 410 and the southern sector.
- The Master Plan's Policy for Neighborhoods - Policy 1a, because it rezones vacant or underutilized property in and around neighborhoods to encourage redevelopment that is compatible in use and intensity with the existing neighborhood.

In reviewing an application for a certificate of appropriateness for properties in the seven (7) river improvement overlay districts, the HDRC shall consider the character and design objectives for each river improvement overlay district, as well as the design standards set forth below. The commission also shall view the river or creek and their improvements as important natural, cultural, and historic resources. A building design or alteration shall recognize and acknowledge its relationship to the river or creek in its entirety. Sensitivity in design and an overall harmonious blending cannot be overemphasized.

(a) Policy Manuals Adopted. The San Antonio River improvements project concept design guidelines, the Riverwalk policy guidelines, as amended, and the design guidelines for development of properties along the San Antonio River, prepared for the City of San Antonio, and the San Pedro Creek Design Guide are hereby adopted as policy guides for use by the commission and property owners. Copies are available from the historic preservation office.

(b) Design Objectives for River Improvement Overlay Districts.

(1) Enhance the pedestrian experience with high quality streetscape designs.

- (2) Design buildings to relate to the pedestrian scale.
- (3) Low impact development (LID) features such as engineered swales, engineered infiltration storm sewer systems, bio-retention, and engineered wetlands are encouraged in all RIO districts. These features may be considered on-site detention features to the extent that they reduce the stormwater runoff expected downstream as a result of such developments.
- (4) Encourage neighborhood and cultural tourism uses as well as infill housing and rehabilitation of existing structures.

A. Design Objectives for "RIO-1" River Improvement Overlay District - 1

- i. Maintain the character of existing residential neighborhoods and redevelop commercial nodes.
- ii. Maintain two (2) separate contexts within its boundaries: 1) residential areas and 2) newly revitalized commercial nodes.
- iii. Allow higher density, multi-family residential and mixed-use buildings.
- iv. Preserve existing neighborhoods.
- v. Encourage mixed-use redevelopment of urban character along Broadway.
- vi. Allow for neighborhood-oriented business and redevelopment of the area.
- vii. Redevelop Broadway and Avenue B as urban corridors with consistent street edges.
- viii. Maintain scenic open space and the natural character of the river, particularly through Brackenridge Park.
- ix. Maintain scenic open space and natural character of the river, particularly through Brackenridge Park, so that it is in character with its nearby residential neighbors; residents should be able to easily access this open space while maintaining their sense of privacy.

B. Design Objectives for "RIO-2" River Improvement Overlay District - 2.

- i. Encourage high-density, mixed-use developments as extensions of the downtown core.
- ii. Extend the urban character of downtown, as perceived from the river, throughout "RIO-2" so that it becomes a high density, mixed-use area.
- iii. Create a positive pedestrian experience as perceived at the street edge.
- iv. Encourage neighborhood and cultural tourism oriented uses as well as those that provide additional housing for downtown workers.
- v. Enhance the pedestrian experience with high quality streetscape designs and links to the public Riverwalk.
- vi. Emphasize the street edge to enhance the pedestrian experience through continuous building walls and well-designed streetscape.
- vii. Link the public Riverwalk with street edges to maintain adequate pedestrian circulation and views of both the street and the river.
- viii. Maximize usable open space to provide opportunities for passive recreation and community gathering.
- ix. Enhance the pedestrian experience with high-quality building designs that include balconies facing the river and primary entrances facing the street.
- x. Design buildings to maintain the human scale of the environment.
- xi. Ensure adequate solar access.
- xii. Use varied materials and forms, including balconies, to provide visual interest.
- xiii. Orient primary building entrances toward the street, but buildings should also have entrances facing the river, which are subordinate in character and scale to street entrances.

The City's Historic and Design Review Commission did not recommend approval for the requested rezoning.

Office of Historic Preservation Findings:

- a. The applicant is requesting a recommendation from the Historic and Design Review Committee regarding the rezoning of the lots addressed as 2100, 2106 and 2108 Broadway from River Improvement Overlay, District 1 to River Improvement Overlay, District 2. RIO-2 allows for a taller allowable building height than RIO-1.
- b. DESIGN REVIEW COMMITTEE - This request was reviewed by the Design Review Committee on June 12, 2018, where commissioners commented that while the proposed zoning change would create a RIO-2 island in RIO-1, that the proposed rezoning for additional height may be appropriate given the site's location on Broadway.
- c. RIO Design Objectives - Per the UDC Section 35-670 (b)(4)(a), new construction within RIO-1 is to maintain the character of the existing residential neighborhoods and redevelop commercial nodes and maintain the two as separate contexts within its boundaries; allow higher density, multi-family, mixed use buildings; preserve existing neighborhoods, encourage mixed-use redevelopment of urban character along Broadway; allow for neighborhood-oriented business and redevelopment of the area; redevelop Broadway and Avenue B as urban corridors with consistent street edges; and maintain scenic open space and the natural character of the river, particularly through Brackenridge Park. In RIO-2, development should relate more to the urban context of downtown and promote a high-density, mixed use neighborhood.
- d. HEIGHT - Per the UDC, new construction in RIO-1 is not to exceed five (5) stories in height or sixty (60) feet. There is development node designation in place for this property which currently allows for a total buildable height of 90 feet. With a change to RIO-2, the standard for height would double to 180 feet for this property.
- e. The applicant has not provided evidence regarding how the proposal aligns with the design objectives outlined for RIO-1 which would warrant adjustment to the district boundaries. Staff finds that the applicant should explore an overall height that aligns more closely with the established height regulation of 90 feet for this property consistent with the neighborhood goals for the district. The applicant may also request approval for a specific design that exceeds the established height regulation, and the HDRC may provide a positive recommendation to the Board of Adjustment for consideration of a variance from the height limitations.
- f. Recommendation - Staff recommends that the applicant develop a project within the context of the existing RIO-1 height regulations and seek HDRC input regarding a request for a variance.