



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-5031

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 9/4/2018

**Title:** ZONING CASE # Z2018282 (Council District 1): A request for a change in zoning from "I-1 IDZ RIO-2 AHOD" General Industrial Infill Development Zone River Improvement Overlay Airport Hazard Overlay District, "MF-50 IDZ RIO-2 AHOD" Multi-Family Infill Development Zone River Improvement Overlay Airport Hazard Overlay District, "C-3 RIO-2 AHOD" General Commercial River Improvement Overlay Airport Hazard Overlay District, and "C-2 RIO-2 AHOD" Commercial River Improvement Overlay Airport Hazard Overlay District to "IDZ RIO-2 DN AHOD" Infill Development Zone River Improvement Overlay Development Node Airport Hazard Overlay District with uses permitted in "RM-4" Residential Mixed District, "O-2" High-Rise Office District, "C-3" General Commercial District and for Multi-Family not to exceed 110 units per acre, Live-Work Units, Bar and /or Tavern with cover charge 3 or more days per week, Alcohol Beverage Manufacture or Brewery, Hotel taller than 35 feet, Beverage Manufacture Non-Alcohol (including manufacturing and processing), Entertainment Venue (outdoor), Live Entertainment with and without cover charge 3 or more days per week (not including food service establishments), Food Service Establishments with cover charge 3 or more days per week (with or without accessory Live Entertainment) on 4.81 acres out of NCB 1758, NCB 1004, NCB 1005 and NCB 6796 and "IDZ RIO-2 DN AHOD" Infill Development Zone River Improvement Overlay Development Node Airport Hazard Overlay District with uses permitted in "RM-4" Residential Mixed District, "O-2" High-Rise Office District, "C-3" General Commercial District and for Multi-Family not to exceed 110 units per acre, Live-Work Units, Night Club with cover charge 3 or more days per week, Bar and /or Tavern with cover charge 3 or more days per week, Alcohol Beverage Manufacture or Brewery, Hotel taller than 35 feet, Beverage Manufacture Non-Alcohol (including manufacturing and processing), Entertainment Venue (outdoor), Live Entertainment with and without cover charge 3 or more days per week (not including food service establishments), Food Service Establishments with cover charge 3 or more days per week (with or without accessory Live Entertainment) on 2.94 acres out of NCB 959 and NCB 958, located at 221 Newell Avenue, 101 Newell Avenue, 923 E Park Avenue, 1213 East Quincy, 1126 East Elmira, 1200 East Elmira and 1210 East Elmira. Staff recommends Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan

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

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z2018282

## **SUMMARY:**

**Current Zoning:** "I-1 IDZ RIO-2 AHOD" General Industrial Infill Development Zone River Improvement Overlay Airport Hazard Overlay District, "MF-50 IDZ RIO-2 AHOD" Multi-Family Infill Development Zone River Improvement Overlay Airport Hazard Overlay District, "C-3 RIO-2 AHOD" General Commercial River Improvement Overlay Airport Hazard Overlay District, "C-3 NA RIO-2 AHOD" General Commercial Nonalcoholic Sales River Improvement Overlay Airport Hazard Overlay District and "C-2 RIO-2 AHOD" Commercial River Improvement Overlay Airport Hazard Overlay District

**Requested Zoning:** "IDZ RIO-2 DN AHOD" Infill Development Zone River Improvement Overlay Development Node Airport Hazard Overlay District with uses permitted in "RM-4" Residential Mixed District, "O-2" High-Rise Office District, "C-3" General Commercial District and for Multi-Family not to exceed 110 units per acre, Live-Work Units, Bar and /or Tavern with cover charge 3 or more days per week, Alcohol Beverage Manufacture or Brewery, Hotel taller than 35 feet, Beverage Manufacture Non-Alcohol (including manufacturing and processing), Entertainment Venue (outdoor), Live Entertainment with and without cover charge 3 or more days per week (not including food service establishments), Food Service Establishments with cover charge 3 or more days per week (with or without accessory Live Entertainment) on 4.81 acres out of NCB 1758, NCB 1004, NCB 1005 and NCB 6796 and "IDZ RIO-2 DN AHOD" Infill Development Zone River Improvement Overlay Development Node Airport Hazard Overlay District with uses permitted in "RM-4" Residential Mixed District, "O-2" High-Rise Office District, "C-3" General Commercial District and for Multi-Family not to exceed 110 units per acre, Live-Work Units, Night Club with cover charge 3 or more days per week, Bar and /or Tavern with cover charge 3 or more days per week, Alcohol Beverage Manufacture or Brewery, Hotel taller than 35 feet, Beverage Manufacture Non-Alcohol (including manufacturing and processing), Entertainment Venue (outdoor), Live Entertainment with and without cover charge 3 or more days per week (not including food service establishments), Food Service Establishments with cover charge 3 or more days per week (with or without accessory Live Entertainment) on 2.94 acres out of NCB 959 and NCB 958

## **BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 4, 2018

**Case Manager:** Daniel Hazlett, Planner

**Property Owner:** Rio Perla Properties, L.P.

**Applicant:** Rio Perla Properties, L.P.

**Representative:** Frank Burney

**Location:** 221 Newell Avenue, 101 Newell Avenue, 923 East Park Avenue, 1213 East Quincy Street, 1126 East Elmira Street, 1200 East Elmira Street and 1210 East Elmira Street

**Legal Description:** 7.75 acres out of NCB 958, NCB 959, NCB 1758, NCB 1004, NCB 1005 and NCB 6796

**Total Acreage:** 7.75

## **Notices Mailed**

**Owners of Property within 200 feet:** 58

**Registered Neighborhood Associations within 200 feet:** Tobin Hill Community Association, Downtown Residents Association

**Applicable Agencies:** Office of Historic Preservation, Fort Sam Houston, Planning Department, Texas

Department of Transportation

### **Property Details**

**Property History:** The properties were a part of the original 36-square miles of San Antonio and were zoned "J" Commercial District, "D" Apartment District and "K" Commercial District. The property was part of a large area rezoning and was changed from "J", "D" and "K" to "B-2" Business District, "B-3NA" Business Nonalcoholic Sales District, "R-3" Multiple Residence District and "I-1" Light Industrial District by Ordinance 83331, dated December 14, 1995. The properties converted from "B-2", "B-3", "B-3NA", "R-3" and "I-1" to "C-2" Commercial District, "C-3" General Commercial District, "C-3NA" General Commercial Nonalcoholic Sales District and "I-1" General Industrial District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001. Lot 8A and 9A were rezoned from "C-3NA" to the current "MF-50 IDZ" Multi-Family Infill Development Zone by Ordinance 2008-10-16-0951, dated October 16, 2008.

**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:** "MF-33", "C-2", "C-3NA", "MF-50 IDZ", "IDZ"

**Current Land Uses:** Single-Family Residences, Commercial Business/Offices, Parking Lot, Pearl Development

**Direction:** East

**Current Base Zoning:** Unzoned Right of Way, "IDZ"

**Current Land Uses:** San Antonio River, Pearl Development

**Direction:** South

**Current Base Zoning:** "R-6", "IDZ", Unzoned Right of Way, "C-3NA"

**Current Land Uses:** Vacant Lot, Townhomes, San Antonio River, Vacant Lots

**Direction:** West

**Current Base Zoning:** "MF-33", "C-2", "IDZ", "C-3NA"

**Current Land Uses:** Single-Family Residences, Commercial Business, Pearl Development, Vacant Lots

### **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"

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:** Newell Avenue

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** East Park Avenue

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** East Elmira Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** East Quincy Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Public Transit:** VIA bus routes 8 and 11 are within walking distance of the subject property.

**Traffic Impact:** A Traffic Impact Analysis (TIA) report is not required. Infill Development Zone (IDZ) is exempt from TIA requirement.

**Parking Information:**

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

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designations of "MF-50", "C-2", "C-3" and "I-1".

“MF-50” districts permit multi-family dwellings, single-family dwellings (detached, attached or townhouses), two-family dwellings, three-family dwellings, four-family dwellings, row-house or zero-lot line dwellings, with a maximum density of 50 units per acre, assisted living home, skilled nursing facility, foster family home, public and private schools.

“C-2” districts permit 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.

“C-3” districts are intended to provide for more intensive commercial uses than those located within the NC, C-1 or C-2 zoning districts. C-3 uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses: bar/tavern & nightclub, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market, home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in 35-510 of the Unified Development Code.

“I-1” districts permit areas of heavy and concentrated fabrication and manufacturing and industrial uses which are suitable based on the character of adjacent development. Examples of permitted uses: auto & light truck auction, truck stop, abrasives manufacturing, food & drug manufacturing, sand & gravel storage & sales, outdoor flea market, manufactured homes/oversized vehicles sales, service and storage.

**FISCAL IMPACT:**

None.

**PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

The properties are located within the Midtown Regional Plan and are also located within a ½ of a mile of the Austin Highway Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends 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 currently designated as “Mixed Use” in the future land use component of the plan. The requested “IDZ” base zoning district is consistent with the future land use designation.

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

Staff finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The rezoning is requested in order to extend the Pearl development onto largely underutilized commercial and industrial property.

**3. Suitability as Presently Zoned:**

The current “C-2”, “C-3” and “MF-50” are appropriate zoning for the property and surrounding area. The “I-1” base zoning is no longer an appropriate base zoning for the area due to close proximity of multi-family and townhomes. The area includes a mix of base zonings to include the requested “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 2011 Midtown Brackenridge TIRZ Plan classified all subject properties as “Mixed Use,” in the future land use map. “Mixed Use” is the higher intensity and higher density of two possible mixed use classifications used in the plan. The Midtown Brackenridge TIRZ Plan included a “character areas” element, classifying all subject properties as “Urban Core Character Area.” According to the plan, “This character area is intended to support highest intensity mixed use development with a strong street edge, active ground floor, and streetscape amenities. Its location just north of downtown and along the river builds on the existing development momentum in the area with the Pearl Brewery and adjoining properties. It is intended to be appropriate for neighborhood and community retail, services, offices, urban residential, restaurants, and entertainment uses.”

The subject properties are located in the vicinity of the San Antonio River Walk, Pearl mixed use areas, Broadway Cultural Corridor, Broadway Street and St. Mary’s Street 2017 Capital Improvement Bond

multimodal street projects, and the Broadway rapid transit corridor identified in the VIA 2040 Plan and SA Corridors Framework Plan. The subject properties are located in the Midtown Area Regional Center, near the Downtown Area Regional Center. The proposed rezoning, including the proposed RIO-2 Development Node is consistent with the city's adopted comprehensive plan. Staff recommends Approval.

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 P7:** Ensure employment centers provide a variety of land uses and infrastructure that will allow the city to remain economically competitive.
- 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 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.
- H P17:** Encourage development projects to have a mixture of uses
- H P18:** Encourage housing to be built with, near or adjacent to retail uses.
- H P41:** Encourage the development of amenity-based neighborhoods.
- NRES P11:** Encourage land intensive development patterns to locate outside of the Edwards Aquifer recharge and contributing zones and along preservation reaches of rivers and creeks. (See also GCF P26 and CHW P36)
- CHW P24:** Encourage and incentivize development in locations that provide or are in close proximity to many destinations within walking or bicycling distance.
- M P6:** Incentivize development potential in other priority development areas of the city to take pressure off of base-adjacent land.
- JEC P31:** Create gathering places that encourage interactions between people within regional centers and along transit and other transportation corridors.

Objective 5.2: Promote Diverse, Neighborhood Oriented Development Promote development and businesses that are diverse, neighborhood-oriented and meet the needs of the neighborhood.

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

The subject property is 7.75 acres which could accommodate the proposed development.

## **7. Other Factors:**

The subject property is located within the Fort Sam Houston Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JB SA was notified of the proposed request.

The properties included in this application are located within RIO-2. Any demolition or new construction will require approval from the Office of Historic Preservation and/or the Historic and Design Review Commission. Approval of a site plan or materials submitted as part of a zoning application does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. To date, no application has been made to the Historic and Design Review Commission for this project.

### **"IDZ"**

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.

The requested "IDZ" base zoning meets 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 applicant's request 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.
- The applicant's request the Master Plan's Policy for Neighborhoods - Policy 2b, because it creates mixed-use districts.
- The applicant's request the Master Plan's Policy for Neighborhoods - Policy 4a, because it preserves and revitalizes housing and promotes targeted infill housing in neighborhoods, particularly older neighborhoods located inside Loop 410.
- The applicant's request the Master Plan's Policy for Urban Design - Policy 1c, because it develops zoning that allows mixed-use development (i.e. residential and commercial) to be placed in the same building.

- The applicant's request the Master Plan's Policy for Urban Design - Policy 1e, because it allows zero setbacks for commercial and multi-family developments.
- The applicant's request the Master Plan's Policy for Urban Design - Policy 4b, because it incentivizes property to encourage development in underutilized urban areas.