



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-5283  
**Type:** Zoning Case  
**In control:** City Council A Session  
**On agenda:** 10/4/2018  
**Title:** ZONING CASE # Z2018273 (Council District 1): Ordinance amending the Zoning District Boundary from "D RIO-7B AHOD" Downtown River Improvement Overlay Airport Hazard Overlay District to "IDZ RIO-7B AHOD" Infill Development Zone River Improvement Overlay Airport Hazard Overlay District with uses permitted in "D" Downtown District and Auto and Light Truck Repair on 0.22 acres out of NCB 102, located at 331 South Flores Street. Staff recommends Denial. Zoning Commission recommends Approval.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Location Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Field Notes, 6. Ordinance 2018-10-04-0790

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

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**  
Zoning Case Z2018273

**SUMMARY:**

**Current Zoning:** "D RIO-7B AHOD" Downtown River Improvement Overlay Airport Hazard Overlay District

**Requested Zoning:** "IDZ RIO-7B AHOD" Infill Development Zone River Improvement Overlay Airport Hazard Overlay District with uses permitted in "D" Downtown District and Auto and Light Truck Repair

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 4, 2018. This case is continued from August 21, 2018.

**Case Manager:** Kayla Leal, Planner

**Property Owner:** Kenneth M. Smith and Arlene Smith

**Applicant:** Garret Neumann, P.E.

**Representative:** Garret Neumann, P.E.

**Location:** 331 South Flores Street

**Legal Description:** 0.22 acres out of NCB 102

**Total Acreage:** 0.22

**Notices Mailed**

**Owners of Property within 200 feet:** 10

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

**Applicable Agencies:** Office of Historic Preservation

**Property Details**

**Property History:** The subject property was located in the Original 36 Square-Mile City Limits of San Antonio and was zoned "I" Business District. The zoning converted to "I-1" General Industrial District upon adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001. The current "D" Downtown District changed from the previous "I-1" base zoning district on May 22, 2003, established by Ordinance 97651.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** D

**Current Land Uses:** Lofts, Office, Distribution Warehouse

**Direction:** East

**Current Base Zoning:** D

**Current Land Uses:** Multi-Family uses (under construction)

**Direction:** South

**Current Base Zoning:** D

**Current Land Uses:** Parking Lot, Hotel

**Direction:** West

**Current Base Zoning:** D

**Current Land Uses:** Parking Lot

**Overlay and Special District Information:**

**"RIO-7B"**

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.

**"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.

### **Transportation**

**Thoroughfare:** South Flores Street

**Existing Character:** Secondary Arterial Type B

**Proposed Changes:** None known

**Public Transit:** There are a few bus stops within walking distance on South Flores Street and West Cesar E. Chavez Boulevard along Bus Routes 43, 44, 243, 67, 79, 275, and 277.

**Traffic Impact:** A Traffic Impact Analysis (TIA) Report is not required. Infill Development Zone is waived from TIA requirements.

**Parking Information:** The "IDZ" base zoning district waives parking requirements.

### **ISSUE:**

None.

### **ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation. The "D" base zoning district provides concentrated downtown retail, service, office and mixed uses in the existing central business district. There are no building size or height limitations, and parking requirements are waived. Examples of permitted uses: bar/tavern, indoor theater, taxi & limousine service, residential uses, hotel, art gallery and/or studio, offices (no restrictions on square footage unless otherwise prescribed), and telephone equipment infrastructure.

### **FISCAL IMPACT:**

None.

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

The subject property is located within the Downtown Regional Center and is located within a half-mile of the Commerce-Houston Premium Transit Corridor.

### **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial. Zoning Commission recommends Approval (8-1).

**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 Downtown Land Use Plan and is currently designated as "Mixed Use" in the land use component of the plan. The requested "IDZ" base zoning district is consistent with the adopted land use designation.

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

Staff has found evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is not consistent with the established development pattern of the surrounding area.

There are loft and office uses directly to the north, the use of a hotel to the south, and a new multi-family development is being constructed to the east. The subject property is also in close proximity to San Pedro Creek.

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

The existing “D” base zoning district is appropriate for the surrounding area. The subject property and the surrounding area were rezoned to “D” Downtown District in 2003 in order to improve alignment with zoning goals in the comprehensive plan for the city. Staff does not recommend removing the Downtown zoning designation.

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

Staff has found indication of likely adverse effects on the public health, safety, or welfare. The subject property currently exists as a parking lot and is in close proximity to the San Pedro Creek and other multi-family uses. The use of Auto and Light Truck Repair is not recommended near the creek or residential uses.

### **5. Public Policy:**

The request does appear to conflict with any public policy objective. The property is within the Downtown Regional Center plan area, as well as the previously adopted Downtown Neighborhood Plan. Located on the southern edge of the Central Neighborhood area within the plan, the subject property sits just east of the planned San Pedro Creek linear park.

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

GCF Goal 1: Higher-density uses are focused within the city’s 13 regional centers and along its arterial and transit corridors.

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

GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.

GCF Goal 7: Development practices that minimize mitigate or avoid negative impacts on the city’s natural resources, water supply, water quality, surface waterways and air quality.

GCF P1: Incentivize the development of housing and employment uses in the city’s priority growth areas.

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

GCF P13: Evaluate commercial and industrial land use and zoning designations in the core of the city, regional centers, urban centers and primary transit corridors to determine areas that could be converted to residential or mixed-use.

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)

The proposed rezoning is not consistent with the goals and policies of the SA Tomorrow Comprehensive Plan. The “D” Downtown zoning district is a unique district in that it is geographically constrained to a defined area in order to provide the concentrated mix of uses necessary to a thriving downtown. Erosion of the extent of this

limited zoning district is contrary to this goal. While the adaptive re-use of existing buildings is generally encouraged, the use with the building must support the broader goals of the comprehensive plan and specific area plans, such as promoting development that leverages public investment in amenities such as the San Pedro Creek linear park.

The Downtown Neighborhood Plan envisions the area along San Pedro Creek as a mid-to-high rise mixed use neighborhood with a high-quality pedestrian oriented environment. Land uses such as automotive repair detract from the community's goals.

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

The 0.22 acre site is of sufficient size to accommodate the proposed development. There is currently a parking lot located on the subject property.

#### **7. Other Factors:**

This property is located within the River Improvement Overlay (RIO-7B). Any new construction or exterior modifications 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. A signage application was approved by the Historic and Design Review Commission on June 20, 2018. Minor exterior alterations were approved administratively by Office of Historic Preservation staff on May 16, 2018.

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:

- Master Plan's Policy for Growth Management - Policy 1g, because it makes physical improvements on an inner city property encouraging redevelopment and infill development.
- Master Plan's Policy for Economic Development - Goal 4, because it targets an area within Loop 410 and the southern sector.
- 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.
- Master Plan's Policy for Urban Design - Policy 1e, because it allows zero setbacks for commercial and multi-family developments.