



City of San Antonio

Agenda Memorandum

File Number:17-1137

Agenda Item Number: 5.

Agenda Date: 1/9/2017

In Control: Board of Adjustment

Case Number: A-17-034
Applicant: Bill Shown
Owner: Broadway SA Investors GP, LLC
Council District: 1
Location: 1825 Broadway
Legal Description: Lots SE IRR 128.75FT OF 17 and NW IRR 90 FT OF 17, Block 1, NCB 969; Lots E 55 FT OF 8 & 9, Block 12, NCB 970; Lots 11 THRU 15 & S 40.5 FT OF 10 & P-100, Lots S IRR 36.10 OF 7, 4, 5, 3, 2, NCB 969
Zoning: "IDZ UC-2 RIO-2 AHOD" Infill Development Zone
Broadway Urban Corridor River Improvement Overlay
Airport Hazard Overlay District with uses permitted in "O-2" High-Rise Office District, "C-2" Commercial District, "MF-40" Multi-Family District and Bar
Case Manager: Shepard Beamon, Senior Planner

Request

A request for a 50 foot variance from the 120 foot maximum building height, as required in the "RIO-2" River Improvement Overlay District, to allow a mixed-use building to be 170 feet tall, as described in Section 35-675 (c)(1).

Executive Summary

The subject property is located along Broadway, and consists of several lots between E. Grayson Street and Pearl Parkway. The subject property's intended use will be two mixed-use, four to eight story, buildings. The "RIO-2" has a height limitation of 120 feet. In order to provide sufficient parking, a four level parking garage will be incorporated in the design. The ground level will have commercial spaces with offices in both towers. The current state of the property consists of vacant lots, parking lots, and scattered commercial buildings. The zoning does allow for high-rise office buildings.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|-----------------|--------------|
|-----------------|--------------|

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| "IDZ UC-2 RIO-2 AHOD" Infill Development Zone Broadway Urban Corridor River Improvement Overlay Airport Hazard Overlay District with uses permitted in "O-2" High-Rise Office District, "C-2" Commercial District, "MF-40" Multi-Family District and Bar | Vacant Lot |
|--|------------|

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|---|---|
| North | "C-3 UC-2 IDZ RIO-2 AHOD" General Commercial Broadway Urban Corridor Infill Development Zone River Improvement Overlay Airport Hazard Overlay District, "I-1 UC-2 RIO-2 AHOD" General Industrial Broadway Urban Corridor River Improvement Overlay Airport Hazard Overlay District, "IDZ UC-2 RIO-2 AHOD" Infill Development Zone Broadway Urban Corridor River Improvement Overlay Airport Hazard Overlay District | Restaurant, Mixed-Use Multi-Family/Commercial, Auto Repair, Running Store |
| South | "I-1 IDZ UC-2 RIO-2 AHOD" General Industrial Infill Development Zone Broadway Urban Corridor River Improvement Overlay Airport Hazard Overlay District, "C-2 IDZ UC-2 RIO-2 AHOD" Commercial Infill Development Zone Broadway Urban Corridor River Improvement Overlay Airport Hazard Overlay District | Restaurant, Coffee Shop, Retail, Commercial |
| East | "IDZ UC-2 RIO-2 AHOD" Infill Development Zone Broadway Urban Corridor River Improvement Overlay Airport Hazard Overlay District, "C-2 IDZ UC-2 RIO-2 AHOD" Commercial Infill Development Zone Broadway Urban Corridor River Improvement Overlay Airport Hazard Overlay District | Mixed-Use Residential, Commercial |
| West | UZROW | U.S. Highway 281, Parking Lot |

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Tobin Hill 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 Association and within 200 feet of the Government Hill Alliance. Both were sent notices and asked to comment.

Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

The property was recently approved by City Council for rezoning to incorporate mixed-use development in the fast growing area. Further, since the subject property is located in the RIO overlay, the design, including the 170 foot height, has been reviewed by the Historic and Design Review Commission, and was approved. The request does not produce any hindrance, visual obstruction, or distractions for pedestrians, neighboring properties, or motorists. Therefore, the request is not contrary to the public interest.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

Literal enforcement would eliminate three stories of the proposed building. This heavily restricts either the amount of off-street parking, or the number of offices and businesses that can be located within the building.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The spirit of the ordinance is the intent of the Code, rather than the strict letter of the law. In this case, the intent of the RIO overlay district height restriction is to protect the river from taller buildings and overshadowing. The subject property is located 1,100 feet from the river and is unlikely to have a significant negative effect on the river. Further, the 281 highway is between the site and the river, which creates a buffer between the two, to further protect the river.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

The requested variances will not authorize the operation of a use on the subject property other than those specifically permitted in the "IDZ UC-2 RIO-2 AHOD" Infill Development Zone Broadway Urban Corridor River Improvement Overlay Airport Hazard Overlay District with uses in "O-2" High-Rise Office District, "C-2" Commercial District, and "MF-40" Multi-Family District and Bar.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

The surrounding area consists of an elevated highway and four to five story mixed-use residential/commercial buildings. The additional height will not conflict with the character of the district. Further, the project will provide off-street parking to alleviate the congestion on surrounding streets.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

The unique circumstance is that the proposed building will incorporate off-street parking to relieve the street of traffic and congestion, which requires the offices to be located above. Further, the lot does have some irregularity and heritage tree preservation, which limits usable space on the site.

Alternative to Applicant's Request

The applicant would need to design the site to meet the RIO-2 height requirements.

Staff Recommendation

Staff recommends **APPROVAL** of the request in **A-17-034** based on the following findings of fact:

1. The additional height will not conflict with character of the surrounding district;
2. The request will not serve as an obstruction to the San Antonio River.