



# City of San Antonio

## Agenda Memorandum

**File Number:**18-1521

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**Agenda Item Number:** 28.

**Agenda Date:** 2/6/2018

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2018061

**SUMMARY:**

**Current Zoning:** "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, and "C-3 NA RIO-1 UC-2 NCD-9 AHOD" General Commercial Nonalcoholic Sales River Improvement Overlay Broadway Urban Corridor Westfort Alliance Neighborhood Conservation Airport Hazard Overlay District

**Requested Zoning:** "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, and "C-2 CD 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 with Conditional Use for Auto Rental

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** February 6, 2018. This case has been expedited to the February 15, 2018 City Council Hearing due to the cancellation of the January 16 Zoning Commission Meeting.

**Case Manager:** Daniel Hazlett, Planner

**Property Owners:** North Alamo Properties, LLC, Carlos Roberto Architect, PLLC, Enterprise Rent-A-Car, Taste Food Products, Inc., Last Chance Enterprise, Estate of Esequiel G. Alvarez and Bernarda S. Alvarez Valdez, Hicks & Associates, PLLC, Caryn M. Hasslocher, and Shashikant Patel

**Applicant:** North Alamo Properties, LLC

**Representative:** Kaufman & Killen, Inc.

**Location:** Generally located at the corner of Broadway Street and Alling Street

**Legal Description:** Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 Block, 27, NCB 1764 and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, Block 33, NCB 1763

**Total Acreage:** 3.4296

**Notices Mailed**

**Owners of Property within 200 feet:** 32

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

**Applicable Agencies:** Planning Department and the Texas Department of Transportation

**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.

**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:** Coffee Shop, Clothing Store

**Direction:** East

**Current Base Zoning:** "IDZ"

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

**Direction:** South

**Current Base Zoning:** "I-1"

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

**Direction:** West

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

**Current Land Uses:** Gas Station, 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.

#### **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:** East Josephine 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, 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 minimum parking required is dependent on each use within the commercial properties. 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", "C-3NA", 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.

C-3NA 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: 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. The sale of alcohol is prohibited in this base zoning district.

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 Approval.

**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. The property zoned “C-3NA” is not consistent with the future land use designation, therefore the applicant is requesting a rezoning to “C-2 CD” Commercial District with a Conditional Use for Auto Rental.

**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 proposed rezoning is requested in order to add the “DN” Development Node Overlay to the properties.

**3. Suitability as Presently Zoned:**

The current “C-2”, “C-3NA”, 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. The proposed overlay will permit more dense development near downtown San Antonio.

## **5. Public Policy:**

The proposed rezoning does not appear to conflict with the goals, principles, and objectives of the Westfort Neighborhood Plan. The addition of the Development Node Overlay will allow for the continued development and reduction of vacant lots along Broadway and North Alamo Street. The Westfort Neighborhood Plan emphasizes the reduction of underutilized or vacant lots in the area.

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

The subject property is 3.4296 acres, which currently accommodates a mix of commercial uses.

## **7. Other Factors:**

**Development Nodes** - It is the intent of this section that a river improvement overlay district development node shall be restricted to areas lying fully within a river improvement overlay district that are located at 1) the intersection of a major thoroughfare and the San Antonio River or 2) the intersection of two (2) major thoroughfares or 3) if not located at an above mentioned intersection, abut the San Antonio River and be a minimum of twelve (12) acres. Development nodes must range in size from three (3) to twenty (20) acres and shall be located a minimum of one-half (½) mile apart. A development node must include property located on both sides of the street and/or river. A development node must provide at least two (2) of the following uses: office, retail and multi-family residential. Designation of a development node provides for a minimum setback of zero (0) feet from all property lines including riverside and the ability to increase the building height by fifty (50) percent from the requirements set out in article VI.