



City of San Antonio

Agenda Memorandum

Agenda Date: November 21, 2024

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Director

COUNCIL DISTRICTS IMPACTED: District 1

SUBJECT:

ZONING CASE Z-2024-10700229

(Associated Plan Amendment Case PA-2024-11600068)

SUMMARY:

Current Zoning: "O-2 H HS AHOD" High-Rise Office Lavaca Historic Overlay Historic Landmark Airport Hazard Overlay District and "RM-4 H AHOD" Residential Mixed Lavaca Historic Overlay Airport Hazard Overlay District

Requested Zoning: "IDZ-3 H HS AHOD" High Intensity Infill Development Zone Lavaca Historic Overlay Historic Landmark Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, "O-2" High-Rise Office District, 325 dwelling units, Bar and/or Tavern without cover charge 3 or more days per week, Microbrewery, Winery with Bottling, Timeshares or Corporate Apartments, Hotel taller than 35 feet, Studio-Sound and Recording, Club-Private, Spa, Warehouse (Flex Space) on 3.9 acres out of NCB 13815 and "IDZ-3 H AHOD" High Intensity Infill Development Zone Lavaca Historic Overlay Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, "O-1.5" Mid-Rise Office District, "RM-4" Residential Mixed District, 31 dwelling units, Timeshares or Corporate Apartments, Hotel, Studio-Sound and Recording, Club-Private, Spa on Lots 1-4, Block 7, NCB 707

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: October 15, 2024

Case Manager: Alexa Retana, Zoning Planner

Property Owner: Oxbow Real Estate, LLC

Applicant: Oxbow Real Estate, LLC

Representative: Oxbow Real Estate, LLC

Location: 141 Lavaca Street and 620 Matagorda Street

Legal Description: Lots 1-4, Block 7, NCB 707 and 3.9 acres out of NCB 13815

Total Acreage: 4.6840 acres

Notices Mailed

Owners of Property within 200 feet: 45

Registered Neighborhood Associations within 200 feet: Lavaca Neighborhood Association, Downtown Neighborhood Association, San Antonio Texas District One Resident Association

Applicable Agencies: Parks and Recreation, Office of Historic Preservation

Property Details

Property History: The subject property was part of the original 36 square miles of the City of San Antonio and was originally zoned “J” Commercial District, “I” Business District, “B-2” Business District, and “D” Apartment District. The property addressed off Lavaca Street was rezoned by Ordinance 74924, dated December 9, 1991, and zoned “O-1” Office District. The property addressed off Matagorda was rezoned by Ordinance 75427, dated March 12, 1992, and zoned “R-2” Two Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the portion zoned “O-1” Office District converted to the current “O-2” High-Rise Office District and the portion zoned “R-2” Two Family Residence District converted to the current “RM-4” Residential Mixed District.

Code & Permitting Details:

LAND-PLAT-23-11800387 – Minor Plat – September 2023

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

Adjacent Base Zoning and Land Uses

Direction: North

Current Base Zoning: D

Current Land Uses: Parking Lots, Government Offices

Direction: East

Current Base Zoning: D, O-2, RM-4

Current Land Uses: Parking Lots, Residential Dwellings

Direction: South

Current Base Zoning: RM-4, O-2

Current Land Uses: Residential Dwellings

Direction: West

Current Base Zoning: IDZ-1, C-3, C-3R

Current Land Uses: Parking Lot, Residential Dwellings, Government Office, Research Center, Food Service Establishment

Overlay District Information:

The Lavaca Historic District, is an overlay district which was adopted in 2001. This district does not regulate use of the property but does enforce building exterior design standards meant to maintain the architectural character or cultural significance of the designated area. Building plans and permit applications will be subject to review by the Office of Historic Preservation and the Historic and Design Review Commission (HDRC) prior to any permits being issued.

The "HL" Historic Landmark, "HS" Historic Significant or "HE" Historic Exceptional overlay district designation signifies the historic architectural character or cultural significance of the structure or location. Historic Landmark designations do not affect the possible uses of the property but do regulate the exterior aesthetic of the structure. Building plans and permit applications will be subject to review by the Office of Historic Preservation and the Historic and Design Review Commission (HDRC) prior to any permits being issued.

The "AHOD" Airport Hazard Overlay District, due to the location of the property and its proximity to an airport or approach path, does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

Special District Information:

The Infill Development Zone (IDZ) District provides flexible standards for developments. IDZ may be approved as either a base zoning district or an overlay zoning district. Typically, IDZ gives flexibility to parking requirements, lots sizes, and setbacks.

Transportation

Thoroughfare: Lavaca Street

Existing Character: Local

Proposed Changes: None

Thoroughfare: Matagorda Street

Existing Character: Local

Proposed Changes: None

Thoroughfare: East Cesar Chavez Boulevard

Existing Character: Primary Arterial Type B

Proposed Changes: None

Public Transit: There is public transit within walking distance of the subject property.

Routes Served: 26, 30, 230, 225, 32, 36, 232, 242, 7

Traffic Impact: A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

Parking Information: "IDZ-3" waives the minimum parking requirement by 50%.

The minimum parking requirement for Bar/Tavern is 1 per 100sf of Gross Square Footage of entire building including accessory uses such as offices, kitchens, restrooms, storage areas, mechanical and dressing rooms. The minimum parking requirement for Dwelling – attached apartments/condominiums with maximum density of 50 dwellings per gross acre and Apartments is 1 per unit. The minimum parking requirement for Winery with Bottling is 1 space per 1,500sf of Gross Floor Area. The minimum parking requirement for Microbrewery is 1 space per 2 seats. The minimum parking requirement for Hotel is 0.8 spaces per room plus 800sf of public meeting area and restaurant space. The minimum parking requirement for Studio- Sounds and Recording is 1 space per 300sf of Gross Floor Area. The minimum parking requirement for Beauty Shop is 1 space per 300sf of Gross Floor Area. The minimum parking requirement for Club- Private is 1 space per 3 persons. The minimum parking requirement for Warehouse (Flex Space) is 1 per 2,000sf Gross Floor Area.

ISSUE:

None

ALTERNATIVES:

Current Zoning: "O-2" High Rise Office Districts provide for the establishment of low to high-rise office buildings. Examples of permitted uses include offices, parks, and schools. Other uses listed as "permitted" in the UDC Nonresidential Use Matrix are only allowed as accessory uses to a primary and principal office use. A minimum 65 foot buffer zoned NC, C-1 or O-1 shall be provided when abutting residential uses or zoning. Outdoor display or sale of merchandise is prohibited.

"RM-4" Residential Mixed District allows for single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 4,000 square feet and a minimum lot width of 15 feet, public and private schools.

Proposed Zoning: "IDZ-3" High Intensity Infill Development Zone allows rezoning requests of unlimited density, and uses permitted in "C-3", "O-2" and "I-1". All approved uses and maximum density must be requested and stated within the ordinance. Provide flexible standards for setbacks and parking for the development and reuse of underutilized parcels within a qualifying area of the city.

The proposed "IDZ-3" would allow for uses permitted in "C-2" Commercial District, "O-2" High-Rise Office District, 325 dwelling units, Bar and/or Tavern without cover charge 3 or more days per week, Microbrewery, Winery with Bottling, Timeshares or Corporate Apartments, Hotel taller than 35 feet, Studio-Sound and Recording, Club-Private, Spa, Warehouse (Flex Space) and uses permitted in "C-2" Commercial District, "O-1.5" Mid-Rise Office District, "RM-4" Residential Mixed District, 31 dwelling units, Timeshares or Corporate Apartments, Hotel, Studio-Sound and Recording, Club-Private, Spa

FISCAL IMPACT:

None

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is located within the Downtown Regional Center and within ½ a mile of the Commerce – Houston Premium Transit Corridor and the Austin Highway Premium Transit Corridor

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission recommend Approval.

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

1. **Consistency:** The subject property is located within the Downtown Area Regional Center Plan, adopted in 2019, and is currently designated as “Medium Density Residential” and “Regional Mixed Use” in the future land use component of the plan. The requested “IDZ-3” base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to “Urban Mixed Use”. Staff and Planning Commission recommend Approval.
2. **Adverse Impacts on Neighboring Lands:** Staff does not find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is consistent with the established development pattern of the surrounding area. Surrounding properties include “IDZ-1” Limited Intensity Infill Development Zone and “D” Downtown District.
3. **Suitability as Presently Zoned:** The existing “O-2” High Rise Office District and “RM-4” Residential Mixed District are appropriate zones for the subject property and surrounding area. The proposed “IDZ-3” High Intensity Infill Development Zone with uses permitted in “C-2” Commercial District, “O-2” High-Rise Office District, 325 dwelling units, Bar and/or Tavern without cover charge 3 or more days per week, Microbrewery, Winery with Bottling, Timeshares or Corporate Apartments, Hotel taller than 35 feet, Studio-Sound and Recording, Club-Private, Spa, Warehouse (Flex Space) and “IDZ-3” High Intensity Infill Development Zone with uses permitted in “C-2” Commercial District, “O-1.5” Mid-Rise Office District, “RM-4” Residential Mixed District, 31 dwelling units, Timeshares or Corporate Apartments, Hotel, Studio-Sound and Recording, Club-Private, Spa is also appropriate. The proposed zoning change would align with existing infill development which permit a mix of more intense commercial uses and multi-family developments. The subject property is appropriately located within a downtown area that is being revitalized to provide mixed use and promote sustainable infill.
4. **Health, Safety and Welfare:** Staff has not found indication of likely adverse effects on the public health, safety, or welfare.
5. **Public Policy:** The request does appear to conflict with public policy. Relevant Goals and Policies of the Comprehensive Plan may include:

- 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.
- H Goal 6: Infill development and revitalized neighborhoods provide a range of housing choices near the city center.
- H P30: Ensure infill development is compatible with existing neighborhoods.
- H P10: Ensure land use designations and other policies allow for and encourage a mixture of housing types and densities of housing within development projects.

Relevant Goals and Objectives of the Midtown Area Regional Center Plan may include:

- Goal 4: Diversify the Mix of Uses in the Downtown Core
 - o Encourage new and renovated buildings to incorporate a mix of uses;
 - o Encourage the development of vacant lots in the city center with a geographically balanced mix of uses;
 - o Attract additional housing and a diversity of employment options in the Downtown Core; and
 - o Create complete neighborhoods by providing residents with safe and convenient access to daily activities, goods, and services.
- Goal 5: Leverage and Enhance Downtown's Reputation as a Destination for Hospitality and Tourism
 - o Create new and enhance existing destinations to provide additional cultural and entertainment opportunities for residents and visitors alike;
 - o Create complementary uses that engage both visitors and residents.

6. **Size of Tract:** The 4.6840 acre site is of sufficient size to accommodate the proposed mixed use infill development.
7. **Other Factors:** The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential and commercial uses. The proposed rezoning would allow 356 units.

The proposed rezoning is seeking additional density for use as residential dwelling units. A rezoning application does not allow Short Term Rentals (STRs) as a use by right. Any applicant seeking to operate an STR must follow the appropriate City and Unified Development Code (UDC) processes and is required to apply and qualify for STR permit(s) through those processes. Short Term Rentals are governed by the UDC Section 16.1100. Also see Section 35-374.01 for STR density limitations, Section 35-399 for establishment regulations, and Section 35-482 for procedures regarding consideration of special exceptions.

This property is located within the Lavaca Historic District. Any new construction, demolition, and/or modifications to the property will require approval from the Office of Historic Preservation. 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. The applicant has begun coordinating with OHP and the design review process.