



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** June 20, 2024

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**  
ZONING CASE Z-2024-10700061

**SUMMARY:**

**Current Zoning:** "C-3NA RIO-2 AHOD" General Commercial Nonalcoholic Sales River Improvement Overlay 2 Airport Hazard Overlay District and "IDZ-3 RIO-2 AHOD" High Intensity Infill Development Zone River Improvement Overlay 2 Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, Bar/Tavern without cover charge 3 or more days per week, Microbrewery, Winery with bottling, Timeshares or Corporate Apartment, Hotel, Studio-Sound and Recording, Club-Private, Office Warehouse (Flex Space) and Multi-Family dwelling units not to exceed 325 units

**Requested Zoning:** "IDZ-3 RIO-2 AHOD" High Intensity Infill Development Zone River Improvement Overlay 2 Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, Bar/Tavern without cover charge 3 or more days per week, Microbrewery, Winery with bottling, Timeshares or Corporate Apartment, Hotel, Studio-Sound and Recording, Club-Private, Office Warehouse (Flex Space) and Multi-family dwelling units not to exceed 325 units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** May 21, 2024

**Case Manager:** Samantha Benavides, Zoning Planner

**Property Owner:** Oxbow Real Estate, LLC

**Applicant:** Oxbow Real Estate, LLC

**Representative:** Oxbow Real Estate, LLC

**Location:** 1301 and 1311 East Elmira Street, 813 East Myrtle Street, 818 East Locust Street, and 1212-1218 East Euclid Street

**Legal Description:** 1.865 acres out of NCB 6792

**Total Acreage:** 1.865 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 50

**Registered Neighborhood Associations within 200 feet:** Tobin Hill Community Organization and SoJo Community Organization

**Applicable Agencies:** Office of Historical Preservation, Solid Waste Department

**Property Details**

**Property History:** The subject property is part of the original 36 square miles of the City of San Antonio and was originally zoned “J” Commercial District. The property was rezoned by Ordinance 83331, dated December 14, 1995, to “B-3NA” Business District, Nonalcoholic Sales and “I-1” Light Industrial District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, “B-3NA” Business District, Nonalcoholic Sales converted to the current “C-3NA” General Commercial Nonalcoholic Sales District and “I-1” Light Industrial District converted to “I-1” General Industrial District. A portion of the property was rezoned by Ordinance 2020-02-20-0120, dated February 20, 2020, to the current “IDZ-3” High Intensity Infill Development Zone District.

**Code & Permitting Details:** There is no code enforcement or permitting history for the subject property

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** “C-3NA”

**Current Land Uses:** Commercial Offices

**Direction:** East

**Current Base Zoning:** “MF-50”

**Current Land Uses:** Parking Lot

**Direction:** South

**Current Base Zoning:** “C-3NA”, “IDZ-3”

**Current Land Uses:** Warehouse Offices, Townhomes

**Direction:** West

**Current Base Zoning:** “C-3NA”, “IDZ-2”, “IDZ-3”

**Current Land Uses:** Offices, Warehouse, Single Family Dwellings, Townhomes

**Overlay District Information:**

The "RIO-2" River Improvement Overlay District is an overlay district to establish regulations to protect, preserve and enhance the San Antonio River and its improvements by establishing design standards and guidelines.

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:** East Euclid Avenue

**Existing Character:** Local

**Proposed Changes:** None

**Thoroughfare:** East Locust Street

**Existing Character:** Local

**Proposed Changes:** None

**Thoroughfare:** East Myrtle Street

**Existing Character:** Local

**Proposed Changes:** None

**Thoroughfare:** East Elmira Street

**Existing Character:** Local

**Proposed Changes:** None

**Public Transit:** There are VIA bus routes within a ½ mile of the subject property.

**Routes Served:** 8, 20

**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 a Microbrewery is 1 per 2 seats. The minimum parking requirement for a Winery with Bottling is 1 per 1,500 sf GFA. The minimum parking requirement for Time Shares or Corporate Apartments is 1 per unit. The minimum parking requirement for a Hotel is 0.8 per room plus 1 per 800 sf of public meeting area and restaurant space. The minimum parking requirement for Studio Sound and Recording is 1 per 300 sf GFA.

The minimum parking requirement for Club – Private is 1 per 3 persons. The minimum parking requirement for Office Warehouse (Flex Space) is 1 per 2,000 sf GFA. The minimum parking requirement for Dwelling – attached apartments/condominiums with maximum density of 50 dwellings per gross acre and Apartments is 1 per unit.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "C-3NA" General Commercial Nonalcoholic Sales Districts are identical to C-3 districts except that the sale of alcoholic beverages is prohibited.

"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 existing "IDZ-3" permits for uses permitted in "C-2" Commercial District, Bar/Tavern without cover charge 3 or more days per week, Microbrewery, Winery with bottling, Timeshares or Corporate Apartment, Hotel, Studio-Sound and Recording, Club-Private, Office Warehouse (Flex Space) and Multi-family dwelling units not to exceed 325 units.

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, Bar/Tavern without cover charge 3 or more days per week, Microbrewery, Winery with bottling, Timeshares or Corporate Apartment, Hotel, Studio-Sound and Recording, Club-Private, Office Warehouse (Flex Space) and Multi-family dwelling units not to exceed 325 units.

**FISCAL IMPACT:**

None

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

The subject property is located within the Midtown Regional Center and within a ½ mile of the New Braunfels Avenue and Austin Highway Metro Premium Transit Corridors.

**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 Midtown Area Regional Center Plan, adopted in 2019, and is currently designated as “Regional Mixed Use” in the future land use component of the plan. The requested “IDZ-3” base zoning district is consistent with the future land use designation.
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 Zoning includes “IDZ-3” High Intensity Infill Development Zone, “IDZ-2” Medium Intensity Infill Development Zone, and “C-3NA” General Commercial Nonalcoholic Sales District.
3. **Suitability as Presently Zoned:** The existing “IDZ-3” High Intensity Infill Development Zone and “C-3NA” General Commercial Nonalcoholic Sales 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, Bar/Tavern without cover charge 3 or more days per week, Microbrewery, Winery with bottling, Timeshares or Corporate Apartment, Hotel, Studio-Sound and Recording, Club-Private, Office Warehouse (Flex Space) and Multi-Family dwelling units not to exceed 325 units is also appropriate. The request aligns with the land use designation “Regional Mixed Use”, accommodating a mix of residential, commercial, and institutional uses, at a scale appropriate with the existing surroundings.
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 not 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 1: Preserve Midtown’s Distinct Character.
- Goal 4: Support Unique, Mixed Activity Areas
- Goal 5: Broaden Housing Choices
- Goal 7: Stimulate a Thriving Economy
- Goal 11: Grow Unique Destinations

6. **Size of Tract:** The 1.865-acre site is of sufficient size to accommodate the proposed residential development.

7. **Other Factors:** This property is designated in the RIO-2. Any new construction associated with the proposal will require approval from the Office of Historic Preservation. In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. Approval of a site plan or renderings submitted as part of a zoning application does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. On April 5, 2024, the Office of Historic Preservation staff determined that a demolition permit may be issued in accordance with the UDC at this property.

The development is not eligible for SWMD waste collection services as the proposed zoning is for commercial. Additionally, number of units proposed is more than 4 and not within City's solid waste ordinance. Recommendation is for owner to procure private waste hauling services or dumpster.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates commercial and residential uses.

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.