



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 17, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Director

**COUNCIL DISTRICTS IMPACTED:** District 2

**SUBJECT:**

ZONING CASE Z-2024-10700197

(Associated Plan Amendment Case PA-2024-11600082)

**SUMMARY:**

**Current Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District

**Requested Zoning:** "IDZ-3 AHOD" High Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, Bar/Tavern, and multi-family use up to 40 dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 17, 2024

**Case Manager:** Alexa Retana, Zoning Planner

**Property Owner:** Sabot Austin Street, LLC

**Applicant:** Metropolitan Development Company, LLC

**Representative:** Ortiz McKnight, PLLC

**Location:** 1316 Austin Street

**Legal Description:** Lot 11, NCB 478

**Total Acreage:** 0.2620 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 23

**Registered Neighborhood Associations within 200 feet:** Government Hill Alliance Neighborhood Association

**City-Wide Community Organizations:** T.H.U.G.G.I.N for Christ, Women in Film & Television San Antonio, NES Foundation, and Lifeline Overeaters Anonymous Community Organizations

**Applicable Agencies:** Office of Historic Preservation, Fort Sam Houston Army Base, Solid Waste Management

### **Property Details**

**Property History:** The subject property was located within the original 36 square miles of the City of San Antonio and zoned "E" Office District. The property was rezoned by Ordinance 48286, dated July 21, 1977, to "B-3" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3" Business District converted to "C-3" General Commercial District. The property was rezoned by Ordinance 2010-11-04-0971, dated November 4, 2010, to the current "C-2" Commercial District.

### **Code & Permitting History:**

LAND-PLAT-24-11800478 – Minor Plat – October 2024

**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:** MF-18, RM-5, IDZ, I-1

**Current Land Uses:** Residential Dwellings, Apartments

**Direction:** South

**Current Base Zoning:** IDZ, RM-6

**Current Land Uses:** Residential Dwellings, Vacant

**Direction:** East

**Current Base Zoning:** RM-5, R-6

**Current Land Uses:** Residential Dwellings

**Direction:** West

**Current Base Zoning:** IDZ-3, IDZ

**Current Land Uses:** Apartments, Residential Dwellings, Restaurants, Bars

### **Overlay District Information:**

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:** Austin Street

**Existing Character:** Local

**Proposed Changes:** None Known

**Thoroughfare:** East Grayson Street

**Existing Character:** Minor

**Proposed Changes:** None known.

**Thoroughfare:** North Hackberry Street

**Existing Character:** Local

**Proposed Changes:** None known.

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

**Routes Served:** 20, 9, 14, 209, 214

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

**Parking Information:** The parking requirements for commercial and residential uses can be found at Unified Development Code, Table 526-3a and Table 526-3b. The minimum parking requirement for Alcohol- Bar, Lounge, Tavern is 1 space per 100 sf of Gross Floor Area.

The “IDZ-3” base zoning district would waive the minimum parking requirement by 50%.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: “C-2” Commercial District accommodates 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.

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 uses permitted by the “IDZ-3” base zoning district would allow for uses permitted in "C-2" Commercial District, Bar/Tavern, and multi-family use up to 40 dwelling units.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center but is within ½ a mile of the New Braunfels Avenue Premium Transit Corridor and the Austin Highway Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial, with an Alternate Recommendation of “IDZ-2” Medium Intensity Infill Development Zone with uses permitted in "C-2" Commercial District, “MF-40” Multi-Family District, and Bar/Tavern

**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 Eastside Area Community Plan, adopted June 20, 2024, and is currently designated as “Urban 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 “Regional Mixed-Use”. Staff recommends Denial. Planning Commission recommendation pending the January 8, 2025 hearing.
2. **Adverse Impacts on Neighboring Lands:** Staff does find 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. Surrounding properties are “MF-18” Limited Density Multi-Family District, “IDZ” Infill Development Zone District, and “RM-5” Residential Mixed District.
3. **Suitability as Presently Zoned:** The existing "C-2" Commercial District is an appropriate zoning for the property and surrounding area. The proposed "IDZ-3" High Intensity Infill Development Zone District with uses permitted in "C-2" Commercial District, Bar/Tavern, and multi-family use up to 40 dwelling units is not. While mixed-use infill developments are characteristic of the properties to the west, the proposed “IDZ-3” would permit a density too intense for the size of the subject property. Additionally, the properties to the east maintain a low to medium residential density. Thus, staff recommends an alternate recommendation of “IDZ-2” Medium Intensity Infill Development Zone with uses permitted in "C-2" Commercial District, “MF-40” Multi-Family District, and Bar/Tavern. This would allow for the mixed-use development that would act as a transition from the high intense commercial and industrial properties to the west and the less intense properties to the east.

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 Master Plan may include:

- GCF P14: Establish appropriate buffers and transitions (land use, form and/or landscaping) between residential neighborhoods and surrounding higher-density development.

Relevant Goals and Policies of the Eastside Area Community Plan may include:

- Land Use Recommendation #1: Support mixed-use centers and corridors that complement neighborhoods, support transit service, provide employment opportunities, and protect cultural assets.
- Housing Recommendation #1: Support diverse infill housing and reinvestment in existing dwellings that reflect historic pedestrian-oriented development patterns.
  - o efforts are needed to ensure this reinvestment in the neighborhoods reflects and celebrates the history and character of the area.

6. **Size of Tract:** The subject property is 0.2620 acres, which can reasonably accommodate the proposed mixed use development.

7. **Other Factors:** 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 zoning change does not imply approval of or take the place of such demolition review as directed by the UDC. On July 14, 2023, the Office of Historic Preservation staff determined that a demolition permit may be issued. This property is subject to the City's deconstruction ordinance and must be fully deconstructed by a Certified Deconstruction Contractor (UDC Chapter 12, Article II). For ordinance details and a list of Certified Deconstruction Contractors, please visit [www.sareuse.com/deconstruction](http://www.sareuse.com/deconstruction).

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential and commercial uses. The applicant is proposing 40 dwelling units (a gross density of 151 units per acre).

The subject property is located within the Fort Sam Houston Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JB SA was notified of the proposed request. The Military has requested additional information be addressed from the applicant.