



# 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 2

**SUBJECT:**

ZONING CASE Z-2024-10700063

**SUMMARY:**

**Current Zoning:** "IDZ RIO-1 DN UC-2 NCD-9 AHOD" Infill Development Zone River Improvement Overlay 1 Development Node Broadway Urban Corridor Westford Neighborhood Conservation Airport Hazard Overlay District with uses permitted in "O-2" High-Rise Office District, "C-2" Commercial District and a Bar/Tavern with or without cover charge 3 or more days per week

**Requested Zoning:** "IDZ-2 RIO-1 DN UC-2 NCD-9 AHOD" Medium Intensity Infill Development Zone River Improvement Overlay 1 Development Node Broadway Urban Corridor Westford Neighborhood Conservation Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, a Hotel over 35', Bar/Tavern with or without cover charge 3 or more days per week, and Club-Private

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** June 4, 2024

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

**Property Owner:** 4M Broadway LLC

**Applicant:** 4M Broadway LLC

**Representative:** Killen, Griffin, and Farrimond, PLLC

**Location:** 100 Appler Street

**Legal Description:** Lots 1-4, 7-12, P-100-103, and P-105-106, Block 33, NCB 1763

**Total Acreage:** 1.429 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 15

**Registered Neighborhood Associations within 200 feet:** Westfort Alliance

**Applicable Agencies:** Fort Sam Houston, Office of Historic Preservation, Texas Department of Transportation

**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. The property was rezoned by Ordinance 90004, dated June 24, 1999, to “B-2” Business District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the property zoned “B-2” Business District converted to “C-2” Commercial District. A portion of the property was rezoned by Ordinance 2015-02-19-0130, dated February 19, 2015, to "IDZ" Infill Development Zone District with Multi-Family Residences not to exceed 175 units an acre. The property was rezoned by Ordinance 2018-11-01-0888, dated November 1, 2018, to "IDZ" Infill Development Zone District with uses permitted in "O-2" High Rise Office District, "C-2" Commercial District and a Bar/Tavern with or without cover charge 3 or more days per week.

**Code & Permitting Details:**

There are no code or permitting details for the subject property.

**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-1 CD”, “C-2 CD” “C-2” “C-2 IDZ”, “IDZ”

**Current Land Uses:** Food truck park, Food service establishment, Car rental shop

**Direction:** South

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

**Current Land Uses:** Church, Tire shop, Energy storage facility

**Direction:** East

**Current Base Zoning:** “IDZ”, “MR”, “C-1”

**Current Land Uses:** Alamo Colleges, Parking lot

**Direction:** West

**Current Base Zoning:** “C-2” “C-2 IDZ”, “R-5”

**Current Land Uses:** Emergency room, Furniture store, Corporate Office, Lawn firm, Accounting firm

**Overlay District Information:**

The "RIO-1" 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 "UC-2" Broadway Urban Corridor overlay was established because there are many roadway corridors which have been and/or will continue to be very significant to the city. The corridors are important because they have shaped the sense of what individual neighborhoods are in their role as historic entrances to the city. Other corridors are significant because they serve as gateways to the city or because of surrounding natural, historic, cultural, and aesthetic areas. The establishment of "UC" serves to preserve, enhance, and perpetuate the value of specific roadway corridors.

The Westford Neighborhood Conservation District (NCD-9) is an overlay zoning district that contains design guidelines for rehabilitation of existing residential and commercial development. Property owners, together with the Department of Planning and Community Development staff, develop the design guidelines. These guidelines can address building materials, height, size, massing, signage, sidewalk location, etc. A zoning review is performed by the Zoning Section of the Development Services Department.

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:** Appler Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** Broadway Street

**Existing Character:** Secondary Arterial Type B

**Proposed Changes:** None Known

**Thoroughfare:** Alling Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** North Alamo Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Public Transit:** There are VIA bus routes within walking distance of the subject property.  
**Routes Served:** 9, 20, 209

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

**Parking Information:** The minimum parking requirement for most retail and service-oriented uses is 1 parking space per 300 sq/ft of gross floor area. The minimum parking requirement for a hotel is 0.8 spaces per room plus 1 per 800 sq/ft of public meeting area and restaurant space. The minimum parking requirement for a bar/tavern is 1 per 100 sq/ft of gross floor area.

The “IDZ-2” base zoning district would waive the minimum parking requirement by 50%.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: “IDZ” Infill Development Zone District provides flexible standards for the development and reuse of underutilized parcels within a qualifying area of the city. Although this district still exists, it is no longer approved for new properties.

The uses permitted by the “IDZ” base zoning includes "O-2" High-Rise Office District, "C-2" Commercial District and a Bar/Tavern with or without cover charge 3 or more days per week.

Proposed Zoning: “IDZ-2” Medium Intensity Infill Development Zone District allows rezoning requests up to 50 units per acre and uses permitted in “C-2” and “O-1.5”. All approved uses 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-2” base zoning district would be “C-2” Commercial District Uses, a hotel over 35’, a bar/tavern, and a private club.

**FISCAL IMPACT:**

None.

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

The subject property is located within the Port San Antonio Regional Center and within a ½ mile of the Looper 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 Midtown Area Regional Center Plan, adopted June 2019, and is currently designated as “Urban Mixed Use” and “Regional Mixed Use” in the future land use component of the plan. The requested “IDZ-2” 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 designations include “IDZ” Infill Development Zone, “C-1” Light Commercial District, and “C-2” Commercial District.
3. **Suitability as Presently Zoned:** The current "IDZ" Infill Development Zone District with uses permitted in "O-2" High-Rise Office District, "C-2" Commercial District and a Bar/Tavern with or without cover charge 3 or more days per week is an appropriate zoning for the property and surrounding area. The proposed "IDZ-2" Medium Intensity Infill Development Zone District with uses permitted in "C-2" Commercial District, a Hotel over 35', Bar/Tavern with or without cover charge 3 or more days per week, and Club-Private is also appropriate. The subject area is situated off of Broadway Street, a major commercial corridor. The property is surrounded by other commercial and institutional land use similar in intensity. The development will be held to a prescribed site plan which will regulate the commercial acreage and maximum building height. Both the introduction of any new commercial use or deviation from the approved site plan could warrant additional Council consideration.
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 any public policy objectives of the Midtown Area Regional Center Plan:
  - Goal 1: Preserve Midtown’s Distinct Character
    - Preserve Midtown’s essential character-defining elements: the diversity of people and the unique character of individual places and neighborhoods.
  - Goal 4: Support Unique, Mixed Activity Areas
    - Foster an appropriate mix, density, and orientation of land uses in each part of Midtown to maintain the character of unique places, such as the North St. Mary’s Street music culture.
    - Accommodate growth while preserving distinct characteristics of each part of Midtown and providing thoughtful transitions between uses.
  - Goal 6: Improve Pedestrian- and Transit-Oriented Retail and Services
    - Building on the unique character and strengths in each retail corridor, support more diverse options, including small-scale markets, affordable healthy food, entertainment, and other amenities for Midtown’s diverse residents and visitors.
  - Goal 7: Stimulate a Thriving Economy
    - Create more employment opportunities to continue attracting a diverse residential population.

6. **Size of Tract:** The subject property is 1.429 acres, which can reasonably accommodate the proposed commercial development.
7. **Other Factors:** The applicant intends to rezone to “IDZ-2” to develop various commercial uses on the property, as well as a hotel and a bar/tavern.

The subject property is located within the Fort Sam Houston Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JBSA was notified of the proposed request. The Military has indicated that there are no objections to this request.

This property is designated RIO-1. Any proposed new construction associated with the proposal will require approval from the Office of Historic Preservation. 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. To date, no application has been made to the Office of Historic Preservation for this project.

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