



City of San Antonio

Agenda Memorandum

Agenda Date: November 2, 2023

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 2

SUBJECT:

ZONING CASE Z-2023-10700163

SUMMARY:

Current Zoning: "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, Multi-Family Dwellings not to exceed 76 units per acre, Hotel, and Studio - sound and recording

Requested Zoning: "IDZ-3 AHOD" High Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted in "RM-4" Residential Mixed District, "C-3" General Commercial District, Multi-Family Dwellings not to exceed 100 units per acre; as well as the following uses: Live-Work Units; Bar and/or tavern with cover charge 3 or more days per week; Nightclub with cover charge 3 or more days per week; Alcohol beverage manufacture or brewery; Hotel taller than 35 feet; Beverage manufacture non-alcohol (including manufacturing and processing); Entertainment Venue (outdoor); Live Entertainment with and without cover charge 3 or more days per week (not including Food Service Establishments); and Food Service Establishments with cover charge 3 or more days per week (with or without accessory live entertainment)

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: September 19, 2023. This item was continued from the August 1, 2023 and September 5, 2023 hearings.

Case Manager: Adolfo Gonzalez, Zoning Planner

Property Owner: GrayStreet Acquisitions, LLC

Applicant: Phoenix Pearl, LLC

Representative: Ortiz McKnight, PLLC

Location: 500 East Grayson

Legal Description: 0.039 acres out of NCB 979

Total Acreage: 0.039

Notices Mailed

Owners of Property within 200 feet: 24

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

Applicable Agencies: Fort Sam Houston

Property Details

Property History: The subject property was located within the original 36 square miles of the City of San Antonio and zoned “F” Local Retail District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “F” Local Retail District converted to the current “C-2” Commercial District. The property was rezoned by Ordinance 2013-01-17-0037, dated November 17, 2013, to “IDZ” Infill Development Zone District with uses permitted in “C-2” Commercial District, Multi-Family Dwellings not to exceed 76 units per acre, Hotel, and Studio Sound and recording.

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-3 IDZ

Current Land Uses: Parking Lot

Direction: East

Current Base Zoning: IDZ, C-2

Current Land Uses: Residential Dwellings

Direction: South

Current Base Zoning: IDZ, IDZ-3

Current Land Uses: Vacant Space

Direction: West

Current Base Zoning: IDZ

Current Land Uses: Multi-Family Dwellings

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: E Grayson St

Existing Character: Minor

Proposed Changes: None known.

Thoroughfare: N Alamo St

Existing Character: Minor

Proposed Changes: None known.

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

Routes Served: 20

Traffic Impact: A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.

Parking Information: There are multiple requested uses. The minimum parking requirements are subject to Sec. 35-526.

“IDZ-3” waives the minimum parking requirement by 50%

ISSUE:

None.

ALTERNATIVES:

Current Zoning: “IDZ” Infill Development Zone 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.

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" will allow uses permitted in "RM-4" Residential Mixed District, "C-3" General Commercial District, Multi-Family Dwellings not to exceed 100 units per acre; as well as the following uses: Live-Work Units; Bar and/or tavern with cover charge 3 or more days per week; Nightclub with cover charge 3 or more days per week; Alcohol beverage manufacture or brewery; Hotel taller than 35 feet; Beverage manufacture non-alcohol (including manufacturing and processing); Entertainment Venue (outdoor); Live Entertainment with and without cover charge 3 or more days per week (not including Food Service Establishments); and Food Service Establishments with cover charge 3 or more days per week (with or without accessory live entertainment).

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is located within the Midtown Regional Center and within ½ a mile from the New Braunfels Avenue and Austin Highway 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 Regional Center Plan 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.
3. **Suitability as Presently Zoned:** The existing "IDZ" Infill Development Zone District is an appropriate zoning for the property and surrounding area. The requested "IDZ-3" High Intensity Infill Development Zone is also appropriate. The requested rezoning is in order to expand and permit for more intense commercial and residential uses. The requested uses and densities have been previously established through the surrounding "IDZ" base zoning districts. The requested rezone would permit the applicant to match the established commercial intensities and residential density while being bound to a prescribed site plan that cannot be changed without going through another rezone. The commercial intensity and residential density have been previously established and the proposed rezone would not adversely impact the property or surrounding area.
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 objective of the Midtown Regional Center Plan. Goals and objectives may include:

-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.

-Continue to nurture Midtown's identity as a welcoming place for diverse families.

-Capitalize on Midtown's central location, potential for comfortable walking, and concentration of housing, jobs, and destinations.

-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.

-Offer a range of housing types and price-points to meet the diverse needs of residents such as, seniors, students, families, and others.

6. Size of Tract: The 0.039 acre site is of sufficient size to accommodate the proposed multi-mixed use development.

7. Other Factors 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.

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.