



# City of San Antonio

## Agenda Memorandum

---

**Agenda Date:** August 20, 2024

**In Control:** Zoning Commission Meeting

---

**DEPARTMENT:** Development Services Department

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

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

ZONING CASE Z-2024-10700144

**SUMMARY:**

**Current Zoning:** "C-3NA UC-4 AHOD" General Commercial Nonalcoholic Sales North St. Mary's Street Urban Corridor Overlay Airport Hazard Overlay District, "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District, and "IDZ-3 AHOD" High Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, 900 dwelling units, and Bar and/or Tavern

**Requested Zoning:** "IDZ-3 UC-4 AHOD" High Intensity Infill Development Zone North St. Mary's Street Urban Corridor Overlay Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, 260 dwelling units, and Bar And/Or Tavern Without Cover Charge 3 or More Days Per Week and "IDZ-3 AHOD" High Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2" Commercial District, 260 dwelling units, and Bar And/Or Tavern Without Cover Charge 3 or More Days Per Week

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 20, 2024

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

**Property Owner:** Troy M. Jessee Construction LP

**Applicant:** RS Josephine Development LLC

**Representative:** Patrick Christensen

**Location:** 302 West Josephine Street, 312 West Josephine Street, 407 West Grayson Street, 111 Polk Street, 115 Polk Street, and 119 Polk Street

**Legal Description:** Lot 12, Lot 13, Lot 14, Lot 20, the south 142.5 feet of Lot 4, the north 48.3 feet of Lot 11, the north 48.33 feet of the south 96.66 feet of Lot 11, Block 2, NCB 3027 and 0.046 acres out of NCB 3027

**Total Acreage:** 1.1476 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 39

**Registered Neighborhood Associations within 200 feet:** Tobin Hill Community Neighborhood Association, San Antonio Texas District One Resident Association

**Applicable Agencies:** Fort Sam Houston, Solid Waste Management 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. 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. A portion of the property was rezoned by Ordinance 2023-02-02-0058, dated February 02, 2023, to the current "IDZ-3" High Intensity Infill Development Zone District with uses permitted for "C-2" Commercial District, nine hundred (900) dwelling units, Bar/Tavern.

### **Code & Permitting Details:**

Change of Zoning (Zoning-Z-2022-10700256) August 2022

Plan Amendment (Zoning-PA-2022-11600091) August 2022

Demolition Permit (DEM-DEM-PMT24-39200508) January 2024

Demolition Permit (DEM-DEM-PMT24-39200009) March 2024

Demolition Permit (DEM-DEM-PMT24-39200010) March 2024

**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:** "IDZ-3", "C-3NA"

**Current Land Uses:** Parking Lot, Rug Cleaner

**Direction:** East

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

**Current Land Uses:** Warehouse, Office Space

**Direction:** South  
**Current Base Zoning:** "IDZ", "IDZ-2", "C-1 CD"  
**Current Land Uses:** Vacant, Bar, Multi-Family

**Direction:** West  
**Current Base Zoning:** "IDZ-3"  
**Current Land Uses:** Retail, Office Space

**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.

The "UC - 4" North St. Mary's Street 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.

**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:** West Josephine Street  
**Existing Character:** Collector  
**Proposed Changes:** None

**Thoroughfare:** Polk  
**Existing Character:** Local  
**Proposed Changes:** None

**Thoroughfare:** West Grayson 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 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 District 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" allows uses permitted in "C-2" Commercial District, 900 dwelling units, and Bar and/or Tavern

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, 260 dwelling units, and Bar And/Or Tavern Without Cover Charge 3 or More Days Per Week.

**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 Metro Premium Plus Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends 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 "Employment/Flex Mixed Use" and "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 and "IDZ-2" Medium Intensity Infill Development Zone.
  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, 260 dwelling units, and Bar And/Or Tavern Without Cover Charge 3 or More Days Per Week is also appropriate. The proposed zoning change would align with the existing Infill Development Zone Districts that permit a mix of high intense commercial uses and high density multi-family developments within proximity. 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 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 1.1476-acres site is of sufficient size to accommodate the proposed residential development.

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

The property is proposed for development of multifamily and commercial uses. The property is currently zoned "IDZ-3", allowing for up to 900 units. The proposed rezoning would allow 260 units.

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 260 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.

The proposed multi-family development with commercial units at 312 W Josephine St does not meet City ordinance requirements and is not eligible for City provided waste collection services. Due to the high number of multi-family units and commercial units, dumpster service is recommended.