



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 5, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

ZONING CASE Z-2023-10700257

(Associated Plan Amendment Case PA-2023-11600068)

**SUMMARY:**

**Current Zoning:** "MF-33 RIO-2 AHOD" Multi-Family River Improvement Overlay 2 Airport Hazard Overlay District and "C-2 RIO-2 AHOD" Commercial River Improvement Overlay 2 Airport Hazard Overlay District

**Requested Zoning:** "IDZ-3 RIO-2 AHOD" High Intensity Infill Development Zone River Improvement Overlay 2 Airport Hazard Overlay District with uses permitted in "MF-65" Multi-Family District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 5, 2023

**Case Manager:** Joseph Leos, Zoning Planner

**Property Owner:** 133 Vine LLC c/o Jayson Winters

**Applicant:** 133 Vine LLC c/o Jayson Winters

**Representative:** 133 Vine LLC c/o Jayson Winters

**Location:** 811 and 815 East Park Avenue

**Legal Description:** the west 180 feet of Lot F, Block 6, NCB 832

**Total Acreage:** 0.354

**Notices Mailed****Owners of Property within 200 feet:** 59**Registered Neighborhood Associations within 200 feet:** Tobin Hill Community and Sojo Crossing**Applicable Agencies:** Office of Historic Preservation, 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 “”. The property was rezoned by Ordinance 83331, dated December 14, 1995 to “R-3” Multiple-Family Residence District and “B-2” Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-3” Multiple-Family Residence District and “B-2” Business District converted to the current “MF-33” Multi-Family District and “C-2” Commercial District respectively.

**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:** "IDZ"**Current Land Uses:** Apartments**Direction:** East**Current Base Zoning:** "IDZ"**Current Land Uses:** Apartments**Direction:** South**Current Base Zoning:** "IDZ" and "C-2"**Current Land Uses:** Apartments**Direction:** West**Current Base Zoning:** "MF-33"**Current Land Uses:** Apartments**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 Park Avenue

**Existing Character:** Local

**Proposed Changes:** None Known

**Thoroughfare:** East Euclid

**Existing Character:** Local

**Proposed Changes:** None Known

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

**Routes Served:** 8

**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:** The parking minimum for multi-family is 1.5 spaces per unit. "IDZ-3" waives the minimum parking requirement by 50%.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "MF-33" Multi-Family District allows any uses permitted in MF-25 but with a maximum density of 33 units per acre for MF-33, 40 units per acre for MF-40, 50 units per acre for MF-50 and 65 units per acre for MF-65.

"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 District 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 "IDZ-3" High Intensity Infill Development Zone would permit uses in "MF-65" Multi-Family District.

**FISCAL IMPACT:**

None.

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

Subject property is located within the Midtown Regional Center but is not within ½ a mile from a Premium Transit Corridor

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval, pending Plan Amendment.

**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 and is currently designated as “Employment/Flex 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 Approval. The Planning Commission recommendation is pending December 13, 2023 meeting.
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 “MF-33” Multi-Family District and “C-2” Commercial District are appropriate zoning for the property and surrounding area. The proposed “IDZ-3” High Intensity Infill Development Zone District with uses permitted in “MF-65” Multi-Family District is also an appropriate zoning for the property and surrounding area. The proposed “IDZ-3” would permit multi-family units not to exceed 65 units per acre, which is a comparable density to the established residential uses in the area. Additionally, the request is consistent with the goals of the Strategic Housing Implementation Plan which encouraged diverse housing options for all income levels. The proposed “IDZ-3” High Intensity Infill Development Zone District also holds the applicant to a prescribed site plan which indicates the use and proposed structures. Any major changes to an approved site plan would require an additional consideration by City Council.
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 SA Tomorrow Midtown Area Regional Center Plan. Goals and strategies may include:
  - a. Goal 4: Support Unique, Mixed Activity Areas
    - i. 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.
  - b. Goal 5: Broaden Housing Choices
    - i. Offer a range of housing types and price-points to meet the diverse needs

- of residents such as, seniors, students, families, and others
- ii. Focus most new housing development closer to multimodal transportation corridors.

6. **Size of Tract:** The 0.354-acre 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, JBSA was notified of the proposed request. The Military has indicated that there are no objections to this request.

This property is in the RIO-2 overlay. 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 proposed site plan appears to be in conflict with the Unified Development Code Sections 35-672 and 35-673.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential uses. The property is proposed for development of multifamily uses that shall not exceed 65 units per acre. At 0.354 acres, there could potentially be development of 23 units. The applicant is requesting to build 23 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.