



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** April 15, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300030

**APPLICANT:** Coral Studio

**OWNER:** ECRO, LTD

**COUNCIL DISTRICT IMPACTED:** District 1

**LOCATION:** 1000 North Alamo Street

**LEGAL DESCRIPTION:** The west irregular 136 feet of Lot 1 and west irregular 132 feet of Lot 2 ARB A1, Block 38, NCB 460

**ZONING:** "FBZD S T6-1 AHOD" Form Based Zoning Transect 6-1 Airport Hazard Overlay District with a Specific Use Authorization for a Commercial Parking Lot.

**CASE MANAGER:** Mirko Maravi, Principal Planner

**A request for**

1) A variance to remove the "FBZD" Form Based Zoning District Development streetscape tree planting requirements along the exterior of the property. (UDC Section 35-209)

**Executive Summary**

The subject property is located at the corner of Broadway and North Alamo towards the north side of Downtown San Antonio. "FBZD" Form Based zoning District requires streetscape tree planting requirements for new developments. These requirements are also subject to the River North Master Development Pattern Plan. There are currently existing utilities along N Alamo that would be directly affected by any new landscaping installation. Upon staff site visit, no other similar FBZD streetscape landscaping was observed in the area. Traffic department verified sidewalks comply with city code.

**Code Enforcement History**

No Code Enforcement history found.

**Permit History**

COM-PRJ-APP23-39802248 Residential Commercial Project Application 08/31/2023.

COM-SIT-PMT24-40100114 Commercial Sitework Permit 03/01/2024.

**Zoning History**

The subject property located within the original 36 square miles of the City of San Antonio and zoned “K” Commercial District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “K” Commercial District converted to “I-1” General Industrial District. The property was rezoned by Ordinance 2010-04-01-0279, dated April 1, 2010, to the “FBZ T6-1” Form Based Zoning Transect 6-1 District. The property was rezoned by Ordinance 2024-01-25-0048, dated January 25, 2024, to the current “FBZ S T6-1” Form Based Zoning Transect 6-1 District with a Specific Use Authorization for a Commercial Parking Lot.

**Subject Property Zoning/Land Use****Existing Zoning**

“FBZ S T6-1 AHOD” Form Based Zoning Transect 6-1 Airport Hazard Overlay District with a Specific Use Authorization for a Commercial Parking Lot.

**Existing Use**

Vacant

**Surrounding Property Zoning/ Land Use****North****Existing Zoning**

“FBZ T6-1” Form Based Zoning Transect 6-1 District

**Existing Use**

Maverick Park

**South****Existing Zoning**

“FBZ T6-1”, “UZROW” Form Based Zoning Transect 6-1 District

**Existing Use**

Office, US Highway 37

**East****Existing Zoning**

“FBZ T6-1” Form Based Zoning Transect 6-1 District

**Existing Use**

Upholstery Shop

**West****Existing Zoning**

“FBZ T6-1” Form Based Zoning Transect 6-1 District and ‘FBZ T4-2”

**Existing Use**

Utility Facility, Vacant building

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Downtown Regional Center Plan and is designated as “Regional Mixed Use” in the future land use component of the plan. The subject property is not located within the boundary of a registered neighborhood association.

**Street Classification**

North Alamo Street is classified as a Secondary Arterial Type A Road. 10th Street is classified as a Local Road.

**Criteria for Review – Remove the "FBZD" Streetscape Tree Planting Requirements**

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

The public interest is defined as the general health, safety, and welfare of the public. The proposed removal of street scape planting near existing utilities would not be contrary to the public interest.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

In this case, these criteria are represented by existing utilities along the exterior of the property that would affect required landscaping. The applicant provided alternative landscaping options within the property.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The removal of the streetscape landscaping requirement at its current land use (parking lot) may not injure neighboring properties as the lack of landscaping along the exterior does not obstruct the line of sight from the neighboring properties.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

The removal of the streetscape landscaping requirement does not directly impact the proposed parking lot land use. At its current design it does not alter the essential characteristics of the district. No similar required landscaping was observed in the area.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

If granted, the variance would not alter the general purpose of the district, or the regulations herein established for the specific district.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

The subject property is located adjacent to existing utilities along North Alamo Street, the FBZD streetscape landscaping requirements may directly impact the operation of the existing utilities.

#### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the FBZD streetscape landscaping requirement of the UDC Section 35-209(c)(8)(D) and 35-209(c)(8)(e).

#### **Staff Recommendation – Remove the "FBZD" Streetscape Tree Planting Requirements**

Staff recommends Approval in BOA-24-10300030 based on the following findings of fact:

1. No other similar style streetscape landscaping was observed in area; and
2. The required landscaping along the exterior would directly affect existing utilities;  
and
3. The existing sidewalk meets city code.