



# City of San Antonio

## Agenda Memorandum

---

**Agenda Date:** September 15, 2022

**In Control:** City Council

---

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 2

**SUBJECT:**  
ZONING CASE Z-2022-10700216

**SUMMARY:**

**Current Zoning:** “MF-33 HS RIO-2 UC-2 AHOD” Multi-Family Historic Significant River Improvement Overlay Broadway Urban Corridor Airport Hazard Overlay District, “C-1 HS RIO-2 UC-2 AHOD” Light Commercial Historic Significant River Improvement Overlay Broadway Urban Corridor Airport Hazard Overlay District, “C-3 RIO-2 UC-2 AHOD” General Commercial River Improvement Overlay Broadway Urban Corridor Airport Hazard Overlay District, and “IDZ RIO-2 UC-2 AHOD” Infill Development Zone River Improvement Overlay Broadway Urban Corridor Airport Hazard Overlay District with uses permitted in “RM-4” Residential Mixed District, “C-3” General Commercial, and Multi-Family uses (apartments and/or condominiums) 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); Food Service Establishments with cover charge 3 or more days per week (with or without accessory live entertainment); and Beverage Manufacturing or Processing with Storage and Repair of Service Vehicles and Outside Storage (Open with No Screening including Shipping Container Storage)

**Requested Zoning:** “IDZ-3 RIO-2 DN UC-2 AHOD” High Intensity Infill Development Zone River Improvement Overlay Development Node Broadway Urban Corridor Airport Hazard Overlay District with uses permitted in “RM-4” Residential Mixed District, “C-3” General Commercial, and Multi-Family uses (apartments and/or condominiums) 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); Food Service Establishments with cover charge 3 or more days per week (with or without accessory live entertainment) and “IDZ-3 HS RIO-2 DN UC-2 AHOD” High Intensity Infill Development Zone Historic Significant River Improvement Overlay Development Node Broadway Urban Corridor Airport Hazard Overlay District with uses permitted in “RM-4” Residential Mixed District, “C-3” General Commercial, and Multi-Family uses (apartments and/or condominiums) 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); 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 6, 2022

**Case Manager:** Kellye Sanders

**Property Owner:** BESA Land Partners LP

**Applicant:** Killen, Griffin & Farrimond

**Representative:** Killen, Griffin & Farrimond

**Location:** 1602 Broadway Street, 1610 Broadway Street, 1616 Broadway Street, 1630 Broadway Street, 1702 Broadway Street, 1706 Broadway Street, 1601 North Alamo Street, 1611 North Alamo Street, and 1613 North Alamo Street

**Legal Description:** Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, Lot 11, Lot 12, Lot 13, Lot 14, Lot 16, Lot 38, and Lot 39, NCB 965, and Lot 7, Lot 8, Lot 9, Lot 16, Lot 17, and Lot 18, Block 11, NCB 1765

**Total Acreage:** 3.3861

**Notices Mailed**

**Owners of Property within 200 feet:** 36

**Registered Neighborhood Associations within 200 feet:** Government Hill Alliance, Downtown Residents Assn

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

**Property Details**

**Property History:** The subject property was located within the original 36 square miles of the City of San Antonio and zoned “D” Apartment District, “J” Commercial District, and “K” Commercial District. Lot 16, NCB 965 was rezoned by Ordinance 57446, dated August 18, 1983,

to “B-3” Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the properties zoned “D” Apartment District were converted to “MF-33” Multi-Family District, the properties zoned “J” Commercial District were converted to “I-1” General Industrial District, the properties zoned “K” Commercial District were converted to “I-1” General Industrial District, and the properties zoned “B-3” Business District were converted to “C-3” General Commercial District. 2.937 acres of NCB 965 and NCB 1765 were rezoned by Ordinance 2017-08-17-0582, dated August 17, 2017, to the current “IDZ” Infill Development Zone District.

**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:** Multi-Family Residential

**Direction:** South

**Current Base Zoning:** I-1

**Current Land Uses:** Single-Family Residential, Commercial

**Direction:** East

**Current Base Zoning:** IDZ, I-1

**Current Land Uses:** Vacant Lot, Commercial

**Direction:** West

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

**Current Land Uses:** School, Commercial

**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 “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 "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 “HL” Historic Landmark, “HS” Historic Significant or “HE” Historic Exceptional overlay district designation signifies the historic architectural character or cultural significance of the structure or location. Historic Landmark designations do not affect the possible uses of the property, but do regulate the exterior aesthetic of the structure. Building plans and permit applications will be subject to review by the Office of Historic Preservation and the Historic and Design Review Commission (HDRC) prior to any permits being issued.

**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.

The proposed “IDZ-3” would allow uses permitted in “RM-4” Residential Mixed District, “C-3” General Commercial, and Multi-Family uses (apartments and/or condominiums) 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); Food Service Establishments with cover charge 3 or more days per week (with or without accessory live entertainment).

### **Transportation**

**Thoroughfare:** Broadway Street

**Existing Character:** Principal

**Proposed Changes:** Broadway Street Corridor (East Houston Street to East Hildebrand Avenue)  
This project provides funding to reconstruct Broadway from E. Houston to E. Hildebrand with curbs, sidewalks, driveway approaches, trees, bicycle amenities, lighting, drainage, and traffic improvements as appropriate and within available funds. City funding will leverage state and federal funding.

**Thoroughfare:** North Alamo Street

**Existing Character:** Minor

**Proposed Changes:** None

**Thoroughfare:** Casa Blanco Street

**Existing Character:** Collector

**Proposed Changes:** None

**Public Transit:** There is public transit within walking distance.

**Routes Served:** 9, 14, 209

**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:** “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-1” Light Commercial District accommodates neighborhood commercial uses which depend on a greater volume of vehicular traffic than an NC district. C-1 uses are considered appropriate buffers between residential uses and C-2 and C-3 districts and uses. Building size is limited to 5,000 square feet. Examples of permitted uses: arcade, boarding house, noncommercial athletic field, retail furniture sales, grocery store, nursery (retail – no growing of plants on site permitted), retail office equipment and supply, and retail rug or carpet sales. No outdoor storage or display of goods shall be permitted except for outdoor dining.

“C-3” General Commercial District is intended to provide for more intensive commercial uses than those located within the NC, C-1 or C-2 zoning districts. C-3 uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses: bar/tavern & nightclub, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market, home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in 35-510 of the Unified Development Code.

“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.

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 “C-3” General Commercial uses and multi-family development in addition to other specified mixed uses.

**FISCAL IMPACT:**

None

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

Subject property is located with the Midtown Regional Center and within ½ a mile from the Austin Highway Premium Transit Corridor and within ½ a mile from the New Braunfels 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 properties are located within the Midtown Area 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 “MF-33” Multi-Family District, “C-1” Light Commercial District, “C-3” General Commercial District and “IDZ” Infill Development Zone District are appropriate zoning for the property and surrounding area. The proposed “IDZ-3” High Intensity Infill Development Zone is also an appropriate zoning for the property. It matches the existing “IDZ” permitted uses, just incorporating lots on the block that were not rezoned with the original “IDZ” application and adding the “DN” Development Node Overlay.
- 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 Area Regional Center Plan.

**Relevant Goals and Policies of the Comprehensive Plan may include:**

**GCF Goal 1:** Higher-density uses are focused within the city’s 13 regional centers and along its arterial and transit corridors.

**GCF Goal 2:** Priority growth areas attract jobs and residents.

**GCF P8:** Continue to focus on the revitalization of neighborhoods adjacent to downtown and extend these efforts to regional centers, urban centers and transit corridors.

**H Goal 1:** Housing for lower-income residents is available throughout the community with the greatest proportion in priority growth areas with high levels of connectivity and amenities.

**H Goal 2:** A variety of housing types (single-family detached, single-family attached, multifamily, as well as ownership and rental opportunities) is available at a variety of price and rent levels.

**H Goal 6:** Infill development and revitalized neighborhoods provide a range of housing choices near the city center.

**H P17:** Encourage development projects to have a mixture of uses.

**Relevant Goals and Recommendations of the Midtown Area Regional Center Plan may include:**

**Goal 1:** Preserve the Midtown Area's Distinct Character - Preserve the Midtown Area'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 the Midtown Area to maintain the character of unique places.

**Goal 10:** Pursue Transformative Projects - Elevate the Midtown Area's aesthetic appeal, stimulate economic growth, and meet local needs by transforming vacant properties and older buildings through reuse, redevelopment, or new development.

6. **Size of Tract:** The 3.3861 acre site is of sufficient size to accommodate the proposed IDZ-3 development.
7. **Other Factors:** These properties are designated RIO-2, River Improvement Overlay District 2, and two of the properties are each a designated local historic landmark (HS). Any proposed new construction or exterior alterations associated with the proposal will require approval from the Office of Historic Preservation. In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. A 60-day review period is required for demolition of properties designated historic. 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 demolition of the five structures in this node, nor for new construction at this site.

On August 17, 2022, the Historic and Design Review Commission approved a recommendation to the Zoning Commission regarding the placement of a RIO Development Node Zoning Overlay on the properties roughly bounded by Broadway to the west, Casa Blanca to the south, North Alamo to the east, and the 1800 Block of Broadway to the north.

TxDOT is requesting as per the re-zoning changes that the City of San Antonio ask for the maximum ROW dedication as per the City of San Antonio's Major Thoroughfare Plan (120') (60' from CL) as per the uniform development code requirements.

TxDOT will not allow any roadway lane reductions on SL 368 (Broadway).

TxDOT will not be allowing access to SL 368 (Broadway).

TxDOT will not allow parking on SL 368 (Broadway).

TxDOT will not allow any drop off areas along SL 368 (Broadway).

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.