



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 20, 2022

**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-2022-10700256

(Associated Plan Amendment PA-2022-11600091)

**SUMMARY:**

**Current Zoning:** "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "0-1.5" Mid-Rise Office District, "MF-40" Multi-Family District, "C-2" Commercial District, "C-3 NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District, "I-1 AHOD" General Industrial Airport Hazard Overlay District, and "C-3NA UC-4 AHOD" General Commercial Nonalcoholic Sales North St. Mary's Street Urban Corridor Airport Hazard Overlay District

**Requested Zoning:** "IDZ-3 UC-4 AHOD" High Intensity Infill Development Zone North St. Mary's Street Urban Corridor Airport Hazard Overlay District with uses permitted for "C-2" Commercial District, one thousand (1,000) dwelling units, Bar/Tavern and "IDZ-3 AHOD" High Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted for "C-2" Commercial District, one thousand (1,000) dwelling units, Bar/Tavern

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 20, 2022

**Case Manager:** Ann Benavidez, Planner

**Property Owner:** Berridge Investments LLC

**Applicant:** Patrick Christensen

**Representative:** Patrick Christensen, PC

**Location:** Generally located in the 200 Block of West Josephine Street

**Legal Description:** the south 142.5 feet of Lot 7 and Lot 8, Lot 17, Lot 19, Block 2, NCB 3027, 0.49 acres out of NCB 3027, 0.66 acres out of NCB 3027, the north 48.3 feet of the south 96.6 feet of Lot 11, the north 48.3 feet of Lot 11, the north 41.3 feet of the south 48.3 feet of Lot 11, Lot 12, and Lot 20, Block 2, NCB 3027, 0.940 acres out of NCB 3028, 0.96 acres out of NCB A-2, and 0.632 acres out of NCB 6859

**Total Acreage:** 4.63 Acres

**Notices Mailed**

**Owners of Property within 200 feet:** 72

**Registered Neighborhood Associations within 200 feet:** The Tobin Hill Community Association

**Applicable Agencies:** Parks and Recreation, Fort Sam Houston, Planning Department

**Property Details**

**Property History:** The subject properties are currently zoned "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "0-1.5" Mid-Rise Office District, "MF-40" Multi-Family District, "C-2" Commercial District, "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District, "I-1 AHOD" General Industrial Airport Hazard Overlay District, and "C-3NA UC-4 AHOD" General Commercial Nonalcoholic Sales North St. Mary's Street Urban Corridor Airport Hazard Overlay District. The property was part of the original 36 square miles of the City of San Antonio, and originally zoned "J" Commercial District. The property was rezoned by Ordinance 83331, dated December 24, 1995, to "B-3NA" Non-Alcoholic Sales Business District and "I-1" Light Industry District. With adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the property zoned "B-3NA" Non-Alcoholic Sales Business District converted to the current "C-3NA" General Commercial Non-Alcoholic Sales District, and the property zoned "I-1" Light Industry District converted to the current "I-1" General Industrial District. A portion of the property was rezoned by Ordinance 201708170578 dated August 8, 2017, to the current "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "0-1.5" Mid-Rise Office District, "MF-40" Multi-Family District, "C-2" Commercial District.

**Topography:** The property does not include any abnormal physical features such as slope or incursion in a flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "R-6" "MF-33"

**Current Land Uses:** Residential Dwelling

**Direction:** South

**Current Base Zoning:** "C-1" "IDZ-2"

**Current Land Uses:** Plastic Wholesaler, Cleaning Service Facility, Law Office

**Direction:** East

**Current Base Zoning:** “IDZ-3” “I-1”

**Current Land Uses:** Neon Sign Shop, Residential Dwelling, Florist

**Direction:** West

**Current Base Zoning:** “C-3NA” “IDZ S”

**Current Land Uses:** Pool Repair Service, Telecommunications Service Provider, Bar, Architecture Office

**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 Known

**Thoroughfare:** North Saint Mary’s Street

**Existing Character:** Collector

**Proposed Changes:** North St. Mary's (East Mistletoe Ave to West Josephine) -- Improve N. St. Mary's from Mistletoe to Josephine including sidewalk connectivity, intersection improvements and signal enhancements as appropriate and within available funding.

**Thoroughfare:** East Dewey Place

**Existing Character:** Local

**Proposed Changes:** None Known

**Thoroughfare:** West Grayson St

**Existing Character:** Minor  
**Proposed Changes:** None Known

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

**Public Transit:** VIA bus routes are within walking distance of the subject property.  
**Routes Served:** 20, 8

**Traffic Impact:** A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

**Parking Information:** The minimum parking requirement for a multi-family residential is 1.5 parking space per unit. The minimum parking requirement for a bar/tavern is 1 parking space per 100 square feet of gross floor area.

The IDZ-3 base zoning district waives the parking requirements by 50%.

**ISSUE:**  
None.

**ALTERNATIVES:**

Current Zoning: "C-3NA" General Commercial Nonalcoholic Sales Districts are identical to C-3 districts except that the sale of alcoholic beverages is prohibited. "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. "I-1" General Industrial District accommodates areas of heavy and concentrated fabrication and manufacturing and industrial uses which are suitable based on the character of adjacent development. Examples of permitted uses: auto & light truck auction, truck stop, abrasives manufacturing, food & drug manufacturing, sand & gravel storage & sales, outdoor flea market, manufactured homes/oversized vehicles sales, service and storage.

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.

If approved, the uses permitted would include 1,000 residential dwelling units, "C-2" Commercial District uses, and Bar/Tavern.

**FISCAL IMPACT:**  
None.

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

The subject property is located within the Midtown Regional Center and is within a ½ mile of the New Braunfels Avenue Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial.

**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 “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 requested a Plan Amendment to “Regional Mixed Use.” Staff recommends Denial. Planning Commission recommends Approval.
2. **Adverse Impacts on Neighboring Lands:** Staff does find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is not consistent with the established development pattern of the surrounding area. While IDZ and similar zoning designations can be found in proximity to the subject site, the residential density proposed with “IDZ-3” High Intensity Infill Development Zone District is out of character with the established development pattern.
3. **Suitability as Presently Zoned:** The current “IDZ” Infill Development Zone and “C-3NA” General Commercial Nonalcoholic Sales District are appropriate zonings for the property and surrounding area. While the future land use designation accommodates some light industrial fabrication land use, the current “I-1” General Industrial District is not appropriate for the property. It is too intense given the residential zoning and land use in the surrounding area. The proposed “IDZ-3” High Intensity Infill Development Zone District with uses permitted for a Bar/Tavern, “C-2” Commercial District is appropriate, and residential infill development is also appropriate for the area. However, the proposed 1,000 units does not maintain the existing character of the neighborhood. The existing land use allows development of “MF-33” Multi-Family District at an appropriate neighborhood scale density.
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 objectives of the Midtown Regional Center Plan:
  - Goal 4: Support Unique, Mixed Activity Areas - 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.

- Goal 6: Improve Pedestrian- and Transit-Oriented Retail and Services - Building on the unique character and strengths in each retail corridor, support more diverse options, including small-scale markets, affordable healthy food, entertainment, and other amenities for Midtown's diverse residents and visitors. Encourage building maintenance and renovations to beautify commercial corridors and create walkable, active street areas next to buildings.
- Goal LU-1 Land use pattern emphasizes compatibility and appropriateness between uses, and protects neighborhoods and businesses from incompatible land uses
  - o LU-1.3 Ensure that high density / intensity land uses are buffered and screened to reduce the impact on lower density / intensity land uses that are nearby
- Focus Areas Recommendation #4: Support fine-grained incremental redevelopment intended to serve many people in mixed-use corridors and focus areas.
- Land Use Recommendation #2: Encourage zoning that supports the maintenance of neighborhood character while encouraging affordable housing, housing for all stages of life, and housing that is accessible to people with mobility impairments.

**6. Size of Tract:** The subject property is 4.63 acres, which can reasonably accommodate the proposed development.

**7. Other Factors:** The applicant intends to rezone to "IDZ-3" High Intensity Infill Development Zone District with uses permitted for "C-2" Commercial District, one thousand (1,000) dwelling units, Bar/Tavern, to construct four new buildings within the subject property, to accommodate various residential and commercial uses.

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

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. Approval of a zoning change does not imply approval of or take the place of such demolition review as directed by the UDC. To date, no application for demolition at this address to accommodate the proposed use has been submitted for review to the Office of Historic Preservation. There are historic age structures present on these properties. A 30-day review period is required for demolition.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential and commercial uses. The site plan indicates a total of 1,000 dwelling units.