



City of San Antonio

Agenda Memorandum

Agenda Date: May 16, 2023

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 1

SUBJECT:

ZONING CASE Z-2023-10700096

SUMMARY:

Current Zoning: "O-2 HS AHOD" High-Rise Office Historic Significant Airport Hazard Overlay District

Requested Zoning: "IDZ-3 HS AHOD" High Intensity Infill Development Zone Historic Significant Airport Hazard Overlay District with uses permitted in "C-3" General Commercial District and Entertainment Venue (outdoor), Bar with a Cover Charge 3 or More Days Per Week, Food Service Establishment with Cover Charge 3 or More Days Per Week, and Hotel taller than thirty-five feet (35')

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: May 16, 2023

Case Manager: Elizabeth Steward, Zoning Planner

Property Owner: Too Legit To Split, LP

Applicant: Too Legit To Split, LP

Representative: Ortiz McKnight PLLC

Location: 310 West Ashby Place

Legal Description: All of Block 7, NCB 1897

Total Acreage: 1.974

Notices Mailed

Owners of Property within 200 feet: 19

Registered Neighborhood Associations within 200 feet: Tobin Hill Community Association and Monte Vista Historical Association

Applicable Agencies: Office of Historic Preservation, Fort Sam Houston Military Base

Property Details

Property History: The subject property was located within the original 36 square miles of the City of San Antonio and zoned "B" Residence District. The property was rezoned by Ordinance 83331, dated December 14, 1995 to "O-1" Office District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "O-1" Office District converted to the current "O-2" High-Rise Office 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: MF-18, R-4 CD, R-4

Current Land Uses: Multi-family dwelling units, Single family home

Direction: South

Current Base Zoning: IDZ-1, O-2

Current Land Uses: SAC Parking lot, Historic Building

Direction: East

Current Base Zoning: O-2

Current Land Uses: San Antonio College

Direction: West

Current Base Zoning: R-6

Current Land Uses: K-12 School, Temple, and Single Family House

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 "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:

N/A

Transportation

Thoroughfare: West Ashby Place

Existing Character: Collector

Proposed Changes: None Known

Thoroughfare: Lewis Street

Existing Character: Local

Proposed Changes: None Known

Thoroughfare: Belknap Street

Existing Character: Local

Proposed Changes: None Known

Public Transit: There is public transit within walking distance of the subject property. Routes served: 20, 90, 4

Traffic Impact: The traffic generated by the proposed development does not exceed the threshold requirements. Development generates less than seventy-six (76) PHT Sec. 35-502**A TIA Report is not required.

Parking Information: The minimum parking requirement for a hotel is 0.8 per room plus 1 per 800 sf of public meeting area and restaurant space. The minimum parking requirement for a bar is 1 space per 100 sf GFA. The minimum parking requirement for a food service establishment is 1 per 100 sf GFA. "IDZ-3" waives the minimum parking requirement by 50%.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "O-2" High-Rise Office districts provide for the establishment of low to high-rise office buildings. Examples of permitted uses include offices, parks, and schools. Other uses listed as "permitted" in the UDC Nonresidential Use Matrix are only allowed as accessory uses to a primary and principal office use. A minimum 65 foot buffer zoned NC, C-1 or O-1 shall be provided when abutting residential uses or zoning. Outdoor display or sale of merchandise is prohibited.

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" will permit uses in "C-3" General Commercial District, Entertainment Venue (outdoor), Bar with a Cover Charge 3 or More Days Per Week, Food Service Establishment with Cover Charge 3 or More Days Per Week, and Hotel taller than thirty-five feet (35').

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is located within the Midtown Area Regional Center and is located within ½ mile from the new Braunfels Avenue Premium Transit Corridor and the San Pedro 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 Regional Center Plan and is currently designated as "Neighborhood 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 and Planning Commission recommend Approval.
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 "O-2" High-Rise Office District is an appropriate zoning for the property and surrounding area. The requested "IDZ-3" High Intensity Infill Development Zone with uses permitted in "C-3" General Commercial District and Entertainment Venue (outdoor), Bar with a Cover Charge 3 or More Days Per Week, Food Service Establishment with Cover Charge 3 or More Days Per Week, and Hotel taller than thirty-five feet (35') is also an appropriate zoning for the property and the surrounding area and encompasses the entire block. The request is consistent with the Midtown Area Regional Center Plan's Goals and Objectives to support unique, mixed activity areas and accommodate growth while preserving distinct characteristics of each part of Midtown and providing thoughtful transitions between uses. The request utilizes the tools of infill development to restore and revitalize a historic property, per the Midtown Plan's goal to "Maintain buildings with exemplary historic character." The request will provide economic opportunities for the area while keeping the intended uses to a prescribed Site Plan.

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 7: Stimulate a Thriving Economy
 - Create more employment opportunities to continue attracting a diverse residential population.
 - Cultivate target markets related to arts, culture, entertainment, technology, and wellness.
 - Goal 10: Pursue Transformative Projects
 - Elevate Midtown'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 1.974 acre site is of sufficient size to accommodate the proposed commercial development.
7. **Other Factors:** The applicant intends to run a hotel with bar and restaurant uses as well as an entertainment venue by renovating the existing structure.

This property is designated a local historic landmark (HS). Any proposed exterior alterations 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. On January 11, 2023, the property received approval to perform emergency masonry repairs and minor investigational demolition to better understand how components are connected to enable the architect to move forward with design details. Any new construction as indicated on the site plan will require review and approval by the Office of Historic Preservation.

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.