

ZONING CASE: Z2006-074

City Council District No. 9

Requested Zoning Change

From "R-4," "R-4" RIO-1, "C-2," "C-2" RIO-1

To "MF-50," "MF-50" RIO-1

Date: June 1, 2006

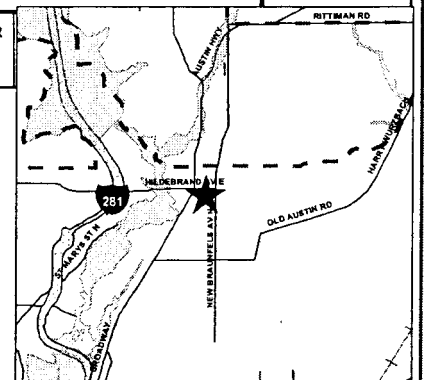
Scale: 1" = 200'

Subject Property

200' Notification



C:\Apr_4_2006



CASE NO: Z2006074

Staff and Zoning Commission Recommendation - City Council

City Council Continuance from May 18, 2006

Date: June 01, 2006

Zoning Commission Meeting Date: April 18, 2006

Council District: 9

Ferguson Map: 583 C7

Appeal:

Applicant: Owner

Kaufman and Associates, Inc.

Koontz/McCombs 1, Ltd.

Zoning Request: From "C-2" RIO-1 Commercial River Improvement Overlay District-1 and "R-4" RIO-1 Residential Single-Family River Improvement Overlay District-1 on the West 233.40 Feet of Tract L, NCB 6015, "C-2" Commercial District on Lot 27, Block A, NCB 6015, and "R-4" Residential Single-Family District on Lots 3 through 12, NCB 6096 to "MF-50" Multi-Family District on the East 168.31 Feet of the West 233.40 Feet of Tract L, NCB 6015 and on Lot 27, Block A, NCB 6015 and "MF-50" RIO-1 Multi-Family River Improvement Overlay District-1 on the West 65.09 Feet of the West 233.40 Feet of Tract L, NCB 6015 and on Lots 3 through 12, NCB 6096

The West 233.40 Feet of Tract L, NCB 6015 and Lot 27, Block A, NCB 6015 and Lots 3 through 12, NCB 6096

Property Location: 4210 Broadway Street, 135 Groveland and 151 Groveland

Southeast Corner of Broadway Street and E. Hildebrand Avenue

Proposal: To Construct a Condominium Complex

Neighborhood Association: Mahncke Park Neighborhood Plan

Neighborhood Plan: Mahncke Park Neighborhood Association

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:

Inconsistent

The requested multi-family zoning, MF-50, is inconsistent with the land use designation of the subject properties identified in the Mahncke Park Neighborhood Plan. The Plan currently identifies the future land use as neighborhood commercial. However, on March 22, 2006, the Planning Commission unanimously recommended approval of amending the plan from Neighborhood Commercial to Compact Multi-Family Residential. The amendment is scheduled to be heard by the City Council on May 18, 2006. The proposed MF-50 zoning is consistent with the proposed land use designation of Compact Multi-Family Residential.

Approval, contingent on a successful amendment to the Mahncke Park Neighborhood Plan.

The proposed condominium complex use is compatible with the existing zoning and land uses in this area, which includes single-family residential, multi-family residential, office, neighborhood and community commercial, and institutional. Higher densities are generally encouraged along major thoroughfares and Broadway Street continues to transition into a major transit corridor and an extension of the downtown with an increasing mix of uses and densities.

CASE NO: Z2006074

Staff and Zoning Commission Recommendation - City Council

The applicants are proposing a condominium complex consisting of up to 90 units and 24 stories. Underground parking is proposed as are other amenities, and urban design concepts are proposed in terms of building location and appearance, landscaping, streetscape and site design. No office or commercial uses are proposed, making the project entirely residential, resulting in a significant reduction in the number of peak hour vehicle trips to and from the subject properties from what was generated by the previous restaurant use.

The MF-50 zoning district allows a residential density of up to 50 units per acre and there is no height limit associated with this district. However, the proposed location of the condominium building is within the RIO-1 (River Improvement Overlay District-1), an overlay district which promotes unique design standards and guidelines for properties located near the San Antonio River in order to protect and preserve the river. Accordingly, this overlay does impose a height limit of 60 feet, or 5 stories, which is significantly less than the 24 stories being proposed. Therefore, the applicants are also requesting an amendment to the RIO boundary in addition to a change in the base zoning district. This request is to specifically remove the overlay from Tract L and to apply it to Lots 3 through 12, which front on Groveland Place. Lot 27, which fronts on Hildebrand, is intended to remain outside the overlay. The applicants have proposed re-applying the overlay to that portion of Tract L that fronts on Broadway at a later date. This overlay, which deals more with design criteria and aesthetics more than actual land use, does promote a consistency in the overall character of new development and re-development along Broadway and the intermittent removal or alteration of its boundaries should not be encouraged. However, the northern edge of the overlay ends at the southeast corner of Broadway and Hildebrand, the location of the subject properties, which does not front on the river. In fact, the University of Incarnate Word campus, where the headwaters of the San Antonio River begin, is itself not located within the overlay.

There are existing multi-story buildings in the immediate and general area and some are located within the river improvement overlay. The AT&T building to the west on the west side Broadway is about 10 stories and the Sterling Bank building to the south is about 6 stories, although both buildings pre-date the actual application of the overlay. There are multi-story buildings on the campus of The University of the Incarnate Word and the condominium building to the east of the subject properties at 4001 N. New Braunfels, zoned MF-33, has about 14 stories and an elevation increase of about 30 feet from the intersection of Broadway and Hildebrand, creating an appearance of an even greater height when viewed from points to the west. Further to the west, at Hildebrand and Stadium Drive, is the Olmos Tower condominium complex which is about 15 stories, again a change in elevation gives this building the appearance of having significantly more stories than it does.

Tract L, the former site of Earl Abel's restaurant, fronts on both Broadway and Hildebrand Avenue and has split zoning, the west half having C-2 zoning and the east half having R-4 zoning. The restaurant began operating at this location in the 1940's, and this entire tract is located within the River Improvement Overlay District-1. The portion zoned C-2 was originally zoned "G," followed by B-2 and then converted to C-2, a conversion that allows this portion of the property to be developed for multi-family use with a density of up to 33 units per acre. The east half of Tract L, Lot 27 and Lots 3 through 12 were originally zoned "B," later converting to R-4 and have remained R-4. Lot 27 is undeveloped, Lots 3 through 10 having been used for restaurant parking and Lots 11 and 12 have an existing single family dwelling.

North of the subject properties, across Hildebrand, are a variety of commercial and office uses with mostly single family residences further north beginning at Davis Court. To the east, also fronting on Hildebrand, is a mix of office and commercial uses with the condominium complex at the corner of Hildebrand and N. New Braunfels Avenue. To the south, across Groveland, are single family residences, a small commercial center and a parking lot for AT&T employees. Further south, from Allensworth on, are mostly single family residences while southward on Broadway is a mix of office, commercial and residential uses. To the west, across Broadway, is an AT&T office complex and, at the northwest corner of Hildebrand and Broadway is the campus of the University of the Incarnate Word, which serves about 5,200 students and has a full time staff of about 600.

CASE NO: Z2006074

Staff and Zoning Commission Recommendation - City Council

Zoning Commission Recommendation:

Approval, contingent on a successful amendment to the Mahncke Park
Neighborhood Plan

CASE MANAGER : Matthew Taylor 207.5876

VOTE

FOR	6
AGAINST	4
ABSTAIN	0
RECUSAL	0

Z2006074

ZONING CASE NO. Z2006074 – April 18, 2006

Applicant: Kaufman & Associates, Inc.

Zoning Request: "C-2" "RIO-1" Commercial River Improvement Overlay District-1 and "R-4" "RIO-1" Residential Single-Family River Improvement Overlay District-1 on the west 233.40 feet of tract L, NCB 6015, "C-2" Commercial District on Lot 27, Block A, NCB 6015 and "R-4" Residential Single-Family District on Lots 3 through 12, NCB 6096 to "MF-50" Multi-Family District on the east 168.31 feet of the west 233.40 feet of tract L, NCB 6015 and on Lot 27, Block A, NCB 6015 and "MF-50" "RIO-1" Multi-Family River Improvement Overlay District-1 on the west 65.09 feet of the west 233.40 feet of tract L, NCB 6015 and on Lots 3 through 12, NCB 6096.

Bill Kaufman, 100 W. Houston, representing the owner, stated the purpose of this request is to allow development of a condominium complex on the subject property. He stated they have held a series of meeting with the surrounding business owners and residents present their project and address any and all concerns they had. He stated they expressed concerns is with traffic which they have conducted a traffic study for this area and the results read that traffic was a non-issue here. They also raised concerns with the height of the structure. He stated they have had long extensive meeting with the engineer for this project to construct this building as not create a shadow problems for the residents. He stated they would add landscaping and sidewalk improvements to beautify the area. A portion of this property lies within the RIO (River Improvement Overlay) and their intent is to incorporate all this property, which would give the protection to the neighborhood and others that they currently do not have. They also intend to present their building design to the Historic and Design Commission for their input. He feels this would have a positive impact on the community, as it would also provide alternative housing options to Mahncke Park. He stated they have worked with the residents to address their concerns and feels they have however they disagree with the height of the proposed structure.

FAVOR

Isabel Zsorah, 134 Groveland, stated she is in favor of the project. She stated they have been part of this process since November 2005.

Arthur Castillo, 7887 Broadway, stated he is in support are of this development. They anticipate that the proposed development would reduce stringent traffic and would also bring to the community urban polish as well as greenery. He strongly feels this would help beautify the area.

Z2006074

Alan Lindskog, 11550 IH 10 W., representing his brother (Cheesy Jane's), stated they strongly support this development.

OPPOSE

Virginia Nicholas, 107 King William, San Antonio Conservation Society, stated they remain concerned about the design of the proposed condominium tower at this intersection. The site is clearly one, which merits considerable consideration, and public input is due to this prominence at a major intersection and its proximity to the San Antonio River Corridor. The proposed 24-story condominium tower on the site has no precedent in the immediate area. Since the property is in the San Antonio River Overlay District 1, new development must conform to the guidelines for that district. This would allow the creation of an urban node as occurring at major intersections where higher densities and heights are allowable. They believe the height of the structure should be in keeping with the height of the nearby buildings. She stated the Conservation Society is adamantly opposed to altering the boundaries of the River Improvement Overlay District. This would create a regrettable precedent.

Paul Vaughn, 315 Thorman Place President of Mahncke Park Neighborhood Association, stated they remain firmly opposed to this project. The proposed height is unprecedented, unjustified and well outside the city guidelines. The citizens of San Antonio crafted the River Improvement zoning overlay through an intensive public process that culminated with an enabling ordinance that was approved by City Council. The purpose of the "RIO" as outlined in Section 35-338 of the UDC (Unified Development Code) is to establish regulations to protect, preserve and enhance the San Antonio River and its improvements by establishing design standards and guidelines for properties located near the river. The "RIO" also states that, "the San Antonio River is a unique and precious natural, cultural and historic resource that provides a physical connection through San Antonio by linking a variety of neighborhood, cultural sites, public parks and destinations. The fifth purpose of the "RIO" is to "Prevent the negative impacts caused by incompatible and insensitive development and promote new compatible development and the seventh is to "Assure that development near the river is compatible with a future vision of a series of mixed use neighborhoods with commercial and residential nodes that orient to the river and/or stimulate redevelopment of existing commercial corridors. He stated the Mahncke Park Neighborhood is a vibrant urban community and welcome development that is compatible with and sensitive to the surrounding community.

Scott Day, 354 Thorman Place, stated this site is within "RIO" 1. He stated the design guidelines established under RIO 1 were supported by MPNA because they would set forth development standards for new development along Broadway. These guidelines offered developers a 20% increase in height over previous zoning. He stated "RIO" 1 works at the neighborhood or district scale creating a necklace one link at a time. The guidelines were not supposed to correct Broadway in one or two year's time but over the next several decades they will allow it to be more pedestrian oriented. Recently completed projects are changing the face of Broadway in a positive manner. He stated not enforcing "RIO" 1 guidelines on the proposed development at Earl Abel's would communicate to others that have abided by them or may be contemplating development that they are optional. There appears to be strong interest in redeveloping vacant lots and under scaled development from Davis Court south to Pershing Avenue on the east side of Broadway. This will not be a unique situation for us. It is important that the development on Earl Abel's abide by the "street edge" guidelines of the "RIO" 1, so that future development is linked together and a more pedestrian oriented, neighborhood-serving commercial district develops. The existing intersection has been given over to the automobile and now we have the opportunity to make it more pedestrian friendly, which is a primary goal of "RIO" 1. The northeast corner of the intersection is also under consideration for new development. The AT&T and Incarnate Word side are more difficult to work with and are likely to be more long range in terms of redevelopment. All the more important that we have at least one side of Broadway functioning as a pedestrian route. He stated currently pedestrian traffic is limited to those that have to walk this way and to limited leisure walks. Continuing to rebuild the street edge along Broadway begins to allow and ultimately encourage more pedestrian oriented, neighborhood shopping and more leisure walking. The current conditions will also help establish the critical mass necessary to transform Broadway from an auto-dominated space to one where pedestrians have more opportunity and help make a stronger link to the northern part of the neighborhood. A more pedestrian oriented street will not happen as a result of making the proposed changes at this location alone; change will result from all new developments implementing guidelines over time.

Joan Carabin, 210 Lavaca Street, President of Lavaca Neighborhood Association but representing herself, stated she does not support this development. She stated the making exceptions to the "RIO" would only encourage other large developments, such as this one, into the community. The "RIO" is designed to protect, enhance and make the community more pedestrian friendly as stated by Mr. Day.

Karlene Ricks, 326 Persian, stated she would also like to express her opposition. She stated she was in attendance when Mr. Kaufman presented his proposal. She is concerned with the group of residents he addressed as she feels all of Groveland should participate in the meetings.

Z2006074

Marie Stout, Government Hill Neighborhood Association, stated they are nearby Mahncke Park Neighborhood Association and would like to voice their opposition in this rezoning request. She feels this project is out of character and would only encourage other high-density development into their neighborhood.

REBUTTAL

Bill Kaufman, 100 W. Houston, representing the owner, stated the choices of the surrounding property owners are for multi family development or commercial. This area has an existing traffic problem and in meeting with the surrounding property owners they do not support commercial development, as this would only cause more traffic. He does not feel this development would a negative impact on the neighborhood. He understand their concerns with the height of the structure and how this does not comply with the "RIO" standards however they will be presenting their project before HDRC (Historic and Design Review Commission) to present their building design and also to incorporate all the property into the "RIO" 1.

Emil Moncivias, Planning Director, stated this case was presented before Planning Commission and their intent was to amend the neighborhood plan. He stated what was present to Planning Commission was based on the fact of what was compatible in reference for development in this area. They studied the different uses in this area and decided that this project was compatible with the land use.

Staff stated there were 112 notices mailed out to the surrounding property owners, 10 returned in opposition and 20 returned in favor and Mahncke Park Neighborhood Association is in opposition. Staff has also mailed out 21 notices to the Planning Team. Staff has received 2 emails outside the 200-foot radius expressing their opposition.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Wright and seconded by Commissioner Martinez to recommend a change of zoning to "MF-50" Multi Family District on the west 233.40 feet of Tract L of NCB 6015 and on Lot 27, Block A, NCB 6015 and "MF-50" "RIO-1" Multi Family River Improvement Overlay District 1 on Lots 3 thru 12 out of NCB 6096 and an additional change to reput in to reestablish the RIO Overlay on some documentation that I have requested that I'd like as part of the record, which is an area that is described as .2616 acres adjacent to Broadway and there are accompanied field notes for this.

Z2006074

1. Property is located on the west 233.40 feet of Tract L, NCB 6015 and Lot 27, Block A, NCB 6015 and Lots 3 through 12 of NCB 6096 at 4210 Broadway, 135 Groveland and 151 Groveland.
2. There were 112 notices mailed, 10 returned in opposition and 20 in favor.
3. Staff recommends approval contingent on a successful amendment to the Mahncke Park Neighborhood Plan.

AYES: Avila, Robbins, Marshall, Wright, Martinez, Stribling

NAYS: Rodriguez, Gadberry, Gray

ABSTAIN: Sherrill

THE MOTION CARRIED

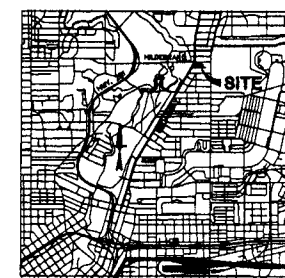
RESULTS OF COUNCIL HEARING May 18, 2006

City Council granted a continuance until June 1, 2006

RESULTS OF NOTICE FOR COUNCIL HEARING

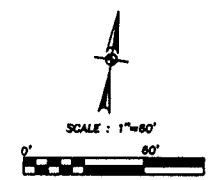
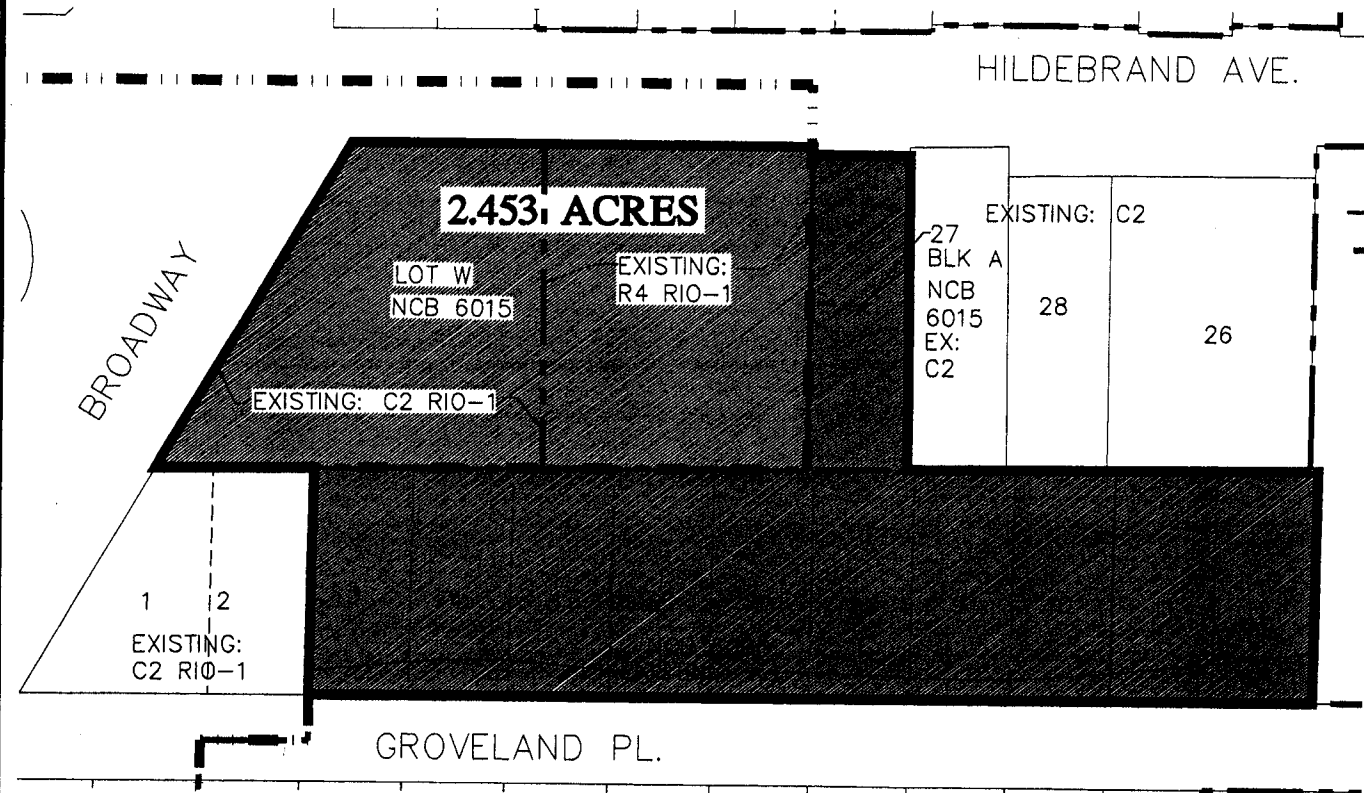
To be provided at Council hearing.

22006074



LEGEND

- EXISTING ZONING LINE
- - - RIO-1 RIVER OVERLAY DISTRICT
- 25 LOT NUMBER
- [Hatched Box] EXISTING C2 & R4 RIO-1 ZONING 1.032 ACRES
- [Solid Box] C2 OR R4 ZONING 1.488 ACRES



PAPE-DAWSON ENGINEERS
1888-2008 • 40 YEARS OF EXCELLENCE
SAN ANTONIO, TEXAS 78204
P. 210.225.1100
F. 210.225.1101
WWW.PAPE-DAWSON.COM

**EXISTING RIO-1 ZONING
THE BROADWAY
SAN ANTONIO, TEXAS**

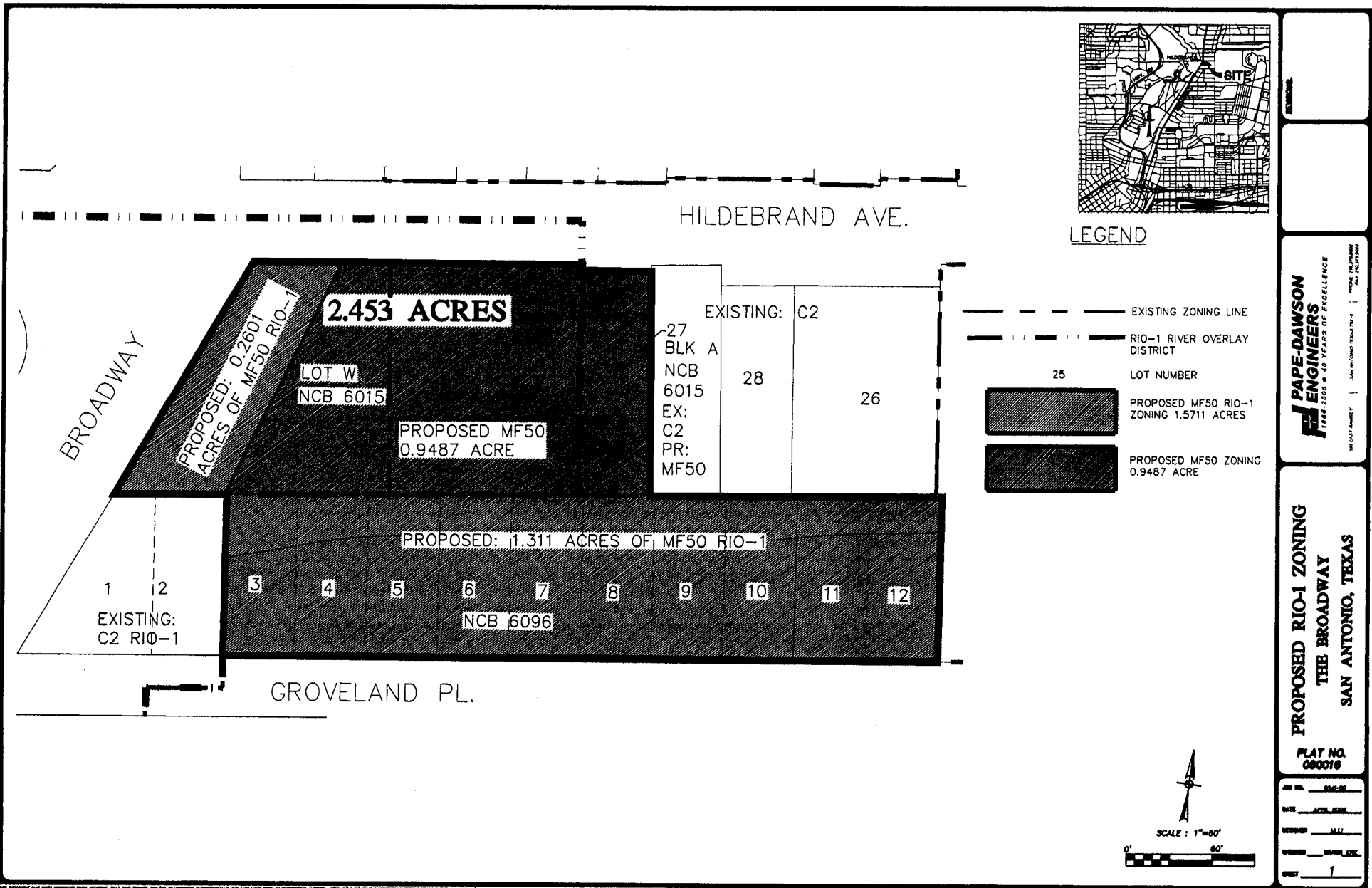
**PLAT NO.
080016**

JOB NO. 0302-02
DATE: APRIL 2003
REVISION: 1.11.11
REVISION: 1.11.11
REVISION: 2

Date: May 14, 2008, 4:00pm
 Drawn by: [Signature]
 Check by: [Signature]
 Title: [Title]

THIS DOCUMENT AND ANY INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF PAPE-DAWSON ENGINEERS AND SHALL REMAIN THE PROPERTY OF PAPE-DAWSON ENGINEERS. NO PART OF THIS DOCUMENT SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PAPE-DAWSON ENGINEERS.

72006074



PAPE-DAWSON ENGINEERS, 1000 N. LOOP WEST, SUITE 100, DALLAS, TEXAS 75207-1000
TEL: 214-742-1000 FAX: 214-742-1001
WWW.PAPE-DAWSON.COM

THIS DOCUMENT AND ANY FIGURES HEREIN ARE THE PROPERTY OF PAPE-DAWSON ENGINEERS AND MAY BE USED FOR INFORMATIONAL PURPOSES ONLY. ANY REPRODUCTION OR TRANSMISSION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF PAPE-DAWSON ENGINEERS IS PROHIBITED.