

ORDINANCE NO. 2269

A ZONING ORDINANCE GRANTING A SPECIFIC USE PERMIT RELATED TO THE OPERATION OF A MULTI-FAMILY RESIDENTIAL COMPLEX LOCATED AT 102 ARCADIA PLACE AND 141 GROVE PLACE, AS AUTHORIZED BY SECTION 3-87(B) OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the tract located at 102 Arcadia Place is currently being operated as a multi-family apartment complex; and

WHEREAS, the tract located at 141 Grove Place has historically been used as a private school for primary education; and

WHEREAS, 102 Arcadia Place and 141 Grove Place be replatted into a single property, contingent upon approval by Planning & Zoning Commission & City Council and readdressed to 102 Arcadia Place (102 Arcadia Place and 141 Grove Place are hereinafter collectively referred to as the "Property"); and

WHEREAS, an application for this Specific Use Permit (this "SUP") was submitted by Embrey Partners, LLC, a Texas limited liability company, and/or its successors and assigns (collectively, "EMBREY") to the City of Alamo Heights on July 6, 2026; and

WHEREAS, the applicant seeks the SUP for the purpose of construction of a multi-family residential complex with related amenities the on Property; and

WHEREAS, two public hearings were held to discuss the SUP application described herein; with the first public hearing being conducted by the Planning & Zoning Commission of the City of Alamo Heights on August 3, 2026, and the second public hearing being conducted by the Alamo Heights City Council on September 14, 2026; providing all interested and present persons the opportunity to be heard concerning the proposed SUP described herein; and

WHEREAS, the Planning and Zoning Commission, having considered this SUP application following due notice and a public hearing, and having considered all required factors and made all required findings set forth in Texas Local Government Code and the City Code of Ordinances, by majority vote to recommend to City Council that the SUP be approved with the condition that Section 2 of the draft SUP Ordinance be reviewed by the City Attorney; and

WHEREAS, the City Council, having considered this SUP application following due notice and a public hearing, and having considered all required factors and made all required findings set forth in the Texas Local Government Code and the City Code of Ordinances, has determined that this SUP should be approved subject to certain terms and conditions set forth herein; and

WHEREAS, legal notice notifying the public of both public hearings on the requested SUP was posted on the City's official website and published in the *San Antonio Express News*, a newspaper of general circulation in the City of Alamo Heights, on July 15, 2026;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS:

SECTION 1. SPECIFIC USE PERMIT APPROVED. A Specific Use Permit is approved for the Property addressed as 102 Arcadia Place and 141 Grove Place, pursuant to Section 3-87(B) of the Zoning Code subject to the conditions herein stated, for a multi-family residential complex (the "Project") on the Property as described in the Site Plan and incorporated into this SUP as Exhibit A:

- 1) **ZONING REQUIREMENTS.** Subject to the conditions herein, the Project shall conform to the following zoning and development standards:
 - a. **Number of Units.** The number of residential units shall be limited to a maximum of two hundred ninety-six (296) units.
 - b. **Setbacks.** The Project shall comply with the following setback requirements and will be allowed to make the following improvements:
 - i. Building frontages along Arcadia Place, Cleveland Court, and Grove Place shall each be designated as a front yard and require a twenty-five-foot (25') building setback from the respective right-of-way line, except as provided below.
 - ii. A fifteen-foot (15') building setback shall be required from the western boundary line of the Property abutting the adjoining alley (the "Alley"), except as provided below.
 - iii. The following exceptions shall be permitted within the front yard building setback along **Arcadia Place**:
 1. Covered entry stoops are permitted within the front yard building, provided that stoops are setback no less than 10 feet from the Arcadia Place right-of-way line.
 2. A single covered entry for the building leasing/management office, with columns, is permitted within the front yard setback, provided that (a) the entry is no less than fifteen feet from the Arcadia Place right-of-way line, and (b) the height of the entry covering structure does not exceed eighteen feet (18') in height.
 3. A fire pit and built-in benches are permitted within the front yard setback, provided that said items are located no less than fifteen feet from the Arcadia Place right-of-way line and conform to fire code requirements.
 4. Fences that create private yards for residential units are permitted within the front yard setback, provided that such fences shall not exceed a

maximum height of four feet and be constructed of metal pickets or mesh framed with metal.

iv. The following shall be permitted within the front yard setback along **Grove Place**:

1. Covered entry stoops are permitted within the front yard building, provided that stoops are setback no less than 10 feet from the Grove Place right-of-way line.
2. A single covered entry for the building clubroom and fitness center, with columns, is permitted within the front yard setback provided that (a) the entry is no less than fifteen feet from the Grove Place right-of-way line, and (b) the height of the covering structure does not exceed eighteen feet (18') in height.
3. A swimming pool for the Project is permitted within the front yard setback, provided that the pool and surrounding surface areas are located no less than fifteen feet from the Grove Place right-of-way line.
4. A pool equipment area with a shade structure is permitted within the front yard setback, provided that (a) all equipment and shade structure is located no less than fifteen feet from the Grove Place right-of-way line, and (b) the height of the shade structure does not exceed fourteen feet in height.
5. A six-foot tall screen for the pool is permitted within the front yard setback, provided that it is located no less than fifteen feet from the Grove Place right-of-way line and constructed of metal, stucco and/or brick materials. Chain-link fencing is not allowed.
6. A six-foot tall screen for the pool equipment room is permitted within the front yard setback, provided that it is located no less than fifteen feet from the Grove Place right-of-way line, and constructed of stucco and/or brick materials. A fourteen-foot-tall shade structure above the equipment is permitted. Chain-link fencing is not allowed.
7. An outdoor kitchen, including gas grills and sink, is permitted within the front yard setback, provided that said items are located no less than fifteen feet from the Grove Place right-of-way line and conform to fire code requirements.
8. A fire pit and built-in benches are permitted within the front yard setback, provided that said items are located no less than fifteen feet from the Grove Place right-of-way line and conform to fire code requirements.
9. A pet park with pet play equipment, pet drinking fountains, shade structures (up to fifteen feet in maximum height), and perimeter fence are

permitted within the front yard setback, provided that said items are located no less than ten feet from the Grove Place right-of-way line.

10. Fences that create private yards for residential units are permitted within the front yard setback, provided that such fences shall not exceed a maximum height of four feet and be constructed of metal pickets or mesh framed with metal.
 11. Fences surrounding a swimming pool are permitted within the front yard setback, provided that such fences shall have a height up to six feet and be constructed of metal pickets or mesh framed with metal.
 12. Fences surrounding a pet park are permitted within the front yard setback, provided that such fences shall not exceed a maximum height of four feet and be constructed of metal pickets or mesh framed with metal.
- c. **Impervious Cover.** Any reductions in the impervious cover in any right of way shall be credited to the impervious cover calculation for the Project.
 - d. **New Sidewalks Required.** Perimeter public sidewalks along Arcadia Place, Cleveland Court, and Grove Place shall have a minimum width of eight feet (8') and shall be placed partially or wholly on the Property or within a City right of way. Perimeter public sidewalks along the Alley shall have a minimum width of six feet (6') and shall be placed wholly on the Property. Any sidewalk intended for public use and constructed on private property will require a public access easement in accordance with Section 3-50(7) of the City Code of Ordinances.
 - e. **Building Height Permitted.** The Project shall meet the following building height requirements:
 - i. For purposes of this section, "Average Grade" shall be calculated as the average of the highest and lowest existing ground elevation points along the proposed foundation proximate to Arcadia Place. Per the project survey, the low elevation point is 720 feet, and the high elevation point is 728 feet along Arcadia Place, then making the Average Grade for the Project 724 feet.
 - ii. A maximum building height of the Project (the "Maximum Building Height") sixty-five feet (65') is permitted for the Project, as measured at the building setback line along Arcadia Place, and shall be verified by comparing the elevation of the Average Grade to the elevation of the top floor wall plate of the building at the same point. The actual building height of the Project may vary from place to place on the Property due to changes in grade.
 - iii. At the northeast corner of the site at the intersection of Arcadia Place and Cleveland Court, the maximum building height will be reduced from sixty-five feet (65') to fifty-five feet (55') (four stories) within a rectangle area

measuring sixty feet (60') along Arcadia Place and thirty feet (30') along Cleveland Court measured along the building setback line.

- iv. In addition to the Maximum Building Height, up to eight feet (8') in additional height above the top floor wall plate is permitted to accommodate a parapet wall and other items permitted in Section 3-2 (Height) of the City Code of Ordinances.
 - v. In addition to Maximum Building Height permitted by this SUP, an additional twelve feet (12') of height shall be permitted for rooftop enclosures necessary to provide elevator and/or stair access to the top level of the Project parking garage, provided that such enclosures are situated no closer than twenty-five feet from any perimeter parapet wall of the Project. The top concrete parking level of the parking garage will be at approximately the same level as the roof of the Project building, and any surrounding walls of the garage parking garage will be treated as parapet walls and exceptions to the building height limitation.
- f. **Landscaping.** The Project shall conform to the following landscaping standards:
- i. **Near Alley.** There shall be no requirement for a landscape area or canopy street trees between the New Alley Parking Spaces and any required sidewalk, nor shall there be a requirement for landscaping between New Alley Parking Spaces and the Project building proximate to the Alley.
 - ii. **Near Certain Entries.** There shall be no requirement for a landscape area between (a) the canopy entries of the leasing office and the Project fitness center/clubhouse, and (b) any required sidewalk
 - iii. **Certain Street Canopy Trees.** In areas along Arcadia Place, Cleveland Court, and Grove Place frontages where canopy street trees are typically required by City code to be planted within the right of way, but a sufficient tree planting area (5'x5' minimum) is not available within the right of way, required canopy street trees may be placed adjacent to the right of way within the building setback.
 - iv. **Required Tree Size.** All required canopy trees shall have a minimum caliper of six inches (6") at DBH (54" inches above the ground).
 - v. **Utility Equipment.** Electric transformers, water and gas meters, and other utility equipment may be located within the eight-foot (8') wide landscape areas of the Project.
- g. **Signage.** The Project shall be permitted to construct and maintain the following signs:
- i. One monument sign with a sign area of up to thirty-two (32) square feet located at west end of the Property generally facing Arcadia Place.

- ii. A building mounted sign with a sign area of up to forty-eight (48) square feet mounted on the west side of the Project building facing Broadway Street.
- iii. A canopy/awning sign with a sign area of up to twenty-four (24) square feet mounted on the canopy entry stoop of at leasing office along Arcadia Place.
- h) **Building Materials and Design.** The Project shall be constructed in accordance with the elevations and materials described in Exhibit “B,” as incorporated into this SUP.

2) **WATER RIGHTS.**

- a. **Water Supply Acquisition Required.** Property owner shall purchase thirty (30) acre-feet of Edward Aquifer water pumping rights and convey all such rights into the City’s water permit. If such water rights cannot be acquired and delivered to the City before final certificate of occupancy is issued by the City, Property owners shall pay the City \$27,000 per acre-foot to purchase the Edward Aquifer water pumping rights required by this Section. City will not impose any additional costs or fees for Property Owner’s use of such water (e.g., impact fee) following the transfer to City’s water permit, but customer(s) on the Property will be charged for water and wastewater usage in accordance with the City adopted rates for each.
- b. **Water and Sewer Infrastructure.** Any existing water and sewer infrastructure surrounding the Project that needs to be extended or upsized to meet the demands of the Project will be reviewed with the Public Works Director and any costs to extend or upsize services to the Project shall be wholly borne by Property owner.

3) **PARKING.** For the Project, the following parking standards shall apply:

- a. **Off-Street Parking Required.** Within the Property, the Project shall provide no less than 1.65 parking spaces per residential unit.
- b. **Compact Parking Allowed.** Up to twenty percent (20%) of required off-street parking spaces may be designated as compact parking spaces with parking space dimensions of 8 foot by 16 foot (8’ in width x 16’ in length).
- c. **Public Parallel Parking Required.** In addition to the off-street parking required for the Project, a minimum of twenty-four (24) unrestricted public parallel parking spaces shall be provided along Arcadia Place, Cleveland Court, and Grove Place (the “New On-Street Parking Spaces”). The New On-Street Parking Spaces may be behind the existing curb line within the city right of way, provided that required sidewalks and landscape areas are provided pursuant to this SUP. Up to three parallel parking spaces may be provided in a row before separating them with a required five-foot by five-foot (5’ x 5’) planting area for required canopy of street trees.

- d. **Leasing Office Parking Along Arcadia Place.** In addition to other parking required by this SUP, up to four (4) head-in, temporary-use parking spaces may be placed along Arcadia Place near the Project leasing office. Such spaces will be located partially in the right of way (behind the existing curb line) and partially within the Property. Such parking spaces may have signs installed by property owner designating each as for leasing office use during designated times.
- e. **Alley Parking Required.** In addition to the other parking required by this SUP, a minimum of four (4) parallel parking spaces and a minimum of seven (7) head-in, angled parking spaces shall be provided within the Property along the Alley for public use (the "New Alley Parking Spaces"). Vehicular access to Alley Parking shall be from the Alley but the area of the parking spaces shall be wholly on the Property. Such parking spaces shall be accessible for public use in accordance with a public access easement for such area.

SECTION 2. PUBLIC PURPOSE. The City Council finds that this SUP herein approved complies with all applicable rules and regulations set forth in the City's Code of Ordinances and other law and is consistent with the City's Comprehensive Master Plan. The provisions of this SUP shall be construed to accommodate the construction of the Project as set out herein. Such variances, approvals, or exceptions detailed in this ordinance and necessary for the development and use of the Project as set out herein shall be deemed to be granted by this SUP. Any additional variances, approvals, or exceptions needed to accommodate the Project will require an amendment of this SUP and approval through the City's Zoning process.

SECTION 3. INCORPORATING RECITALS. The City Council approves the recitals hereto and incorporates them herein as findings of fact.

SECTION 4. APPLICATION OF OTHER CITY ORDINANCES. Unless otherwise specified in this SUP, all other development ordinances of the City of Alamo Heights shall apply to this Property and Project.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared void.

SECTION 6. REVOCATION OF SPECIFIC USE PERMIT. The SUP may be suspended, revoked, or modified by the City Council following written notice to EMBREY or its affiliates, specifying the violation and a period of thirty (30) days to cure (or, if the violation is not reasonably curable within thirty (30) days, such longer period as is reasonably required so long as cure is diligently pursued), after public hearing, notice and report by Planning and Zoning Commission pursuant to Texas Local Government Code 211 to determine whether any condition, stipulation, or term of the approval of the SUP has been knowingly violated. If EMBREY or its affiliates do not obtain a building permit for the Project within three (3) years after the approval of this SUP (subject to extension due to force majeure), then this SUP may be terminated by the City according to the applicable rules and procedures for terminating specific use permits.

SECTION 7. RUNS WITH THE LAND. At the time a final certificate of occupancy is issued for the Project, this SUP shall run with the land, be binding upon and inure to the benefit of EMBREY and its successors and assigns, and no consent or approval of the City shall be required for any transfer or assignment.

SECTION 8. PENALTY. Any person or corporation who shall fail to comply with any of the provisions of this chapter or fail to comply with any of the requirements hereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, or who commits, takes part, directs, or assists in any such violation or who maintains or uses any building or premises or part thereof in which any violation exists, shall be guilty of a misdemeanor, and any such person or corporation, upon conviction thereof in the corporation court of the city, shall be fined in an amount not exceed the maximum permitted by law. Each day that such violation shall occur, continue or be permitted to exist shall constitute a separate offense.

SECTION 9. EFFECTIVE DATE. The Ordinance shall be effective immediately following approval by City Council.

ORDERED this 14th day of September 2026.

ATTEST:


ELSA T. ROBLES, CITY SECRETARY

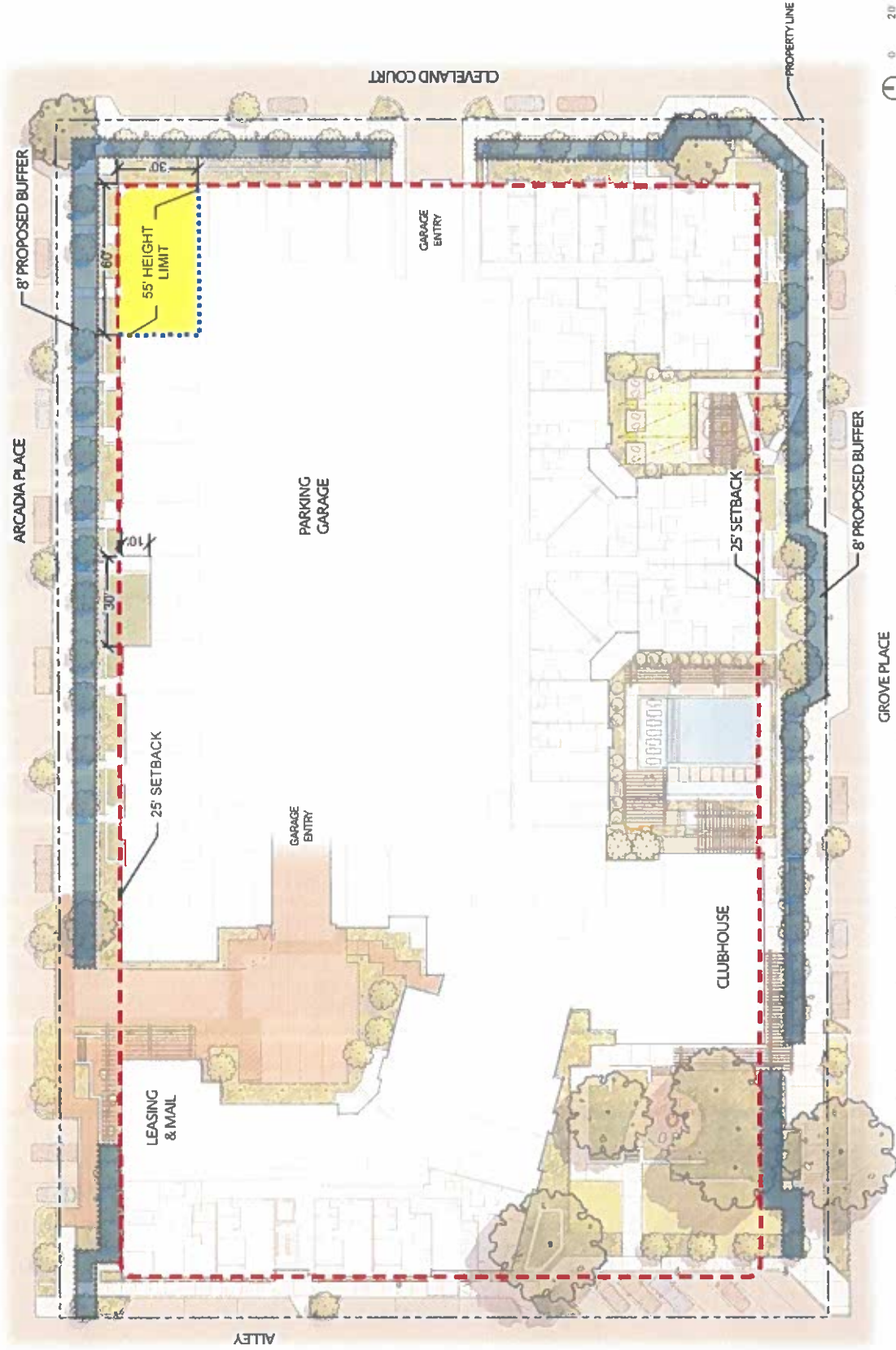

ALBERT HONIGBLUM, MAYOR



APPROVED AS TO FORM:


FRANK J. GARZA, CITY ATTORNEY

EXHIBIT A



GROVE PLACE



Preliminary site plan is schematic in nature and intended to depict the general arrangement of such uses and improvements on the site. Since the project has not undergone the design development and construction phases, the final layout, location and sizes of the development and site elements depicted on this preliminary site plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the Specific Use Permit (SUP) provisions.

Grove Place Apartments



Ordinance No. 2269



Preliminary Elevations are schematic in nature and intended to depict the general arrangement of such uses and improvements on the site. Since the project has not undergone the design development and construction phases, the final layout, location and sizes of the development and site elements depicted on this preliminary site plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the Specific Use Permit (SUP) provisions. Final elevations will be built as generally depicted with exterior materials on each elevation within $\pm 10\%$ of what is shown on these preliminary elevations. Windows will be recessed a minimum of 1' 5" from the face of sheathing.

KEY	BRICK	STUCCO	COMPOSITE SIDING
			

Treehouse Apartments

LAKE FLATO

EXHIBIT B

CONCEPT ELEVATIONS



WEST ELEVATION - ALLEY / BROADWAY

Preliminary Elevations are schematic in nature and intended to depict the general arrangement of such uses and improvements on the site. Since the project has not undergone the design development and construction phases the final layout, location and sizes of the development and site elements depicted on this preliminary site plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the Specific Use Permit (SUMP) provisions. Final elevations will be built as generally depicted with exterior materials on each elevation within +/- 10% of what is shown on these preliminary elevations. Windows will be recessed a minimum of 1.5' from the face of sheathing.

KEY	BRICK	STUCCO	COMPOSITE SIDING

Treehouse Apartments

SOUTH WEST ELEVATION - OAK GROVE

LAKE FLATO