



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 5, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**

ZONING CASE Z-2023-10700298 CD

**SUMMARY:**

**Current Zoning:** "C-2P HL IDZ MLOD-2 MLR-2 AHOD" Commercial Pedestrian Historic Landmark Infill Development Zone Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "C-2P CD HL IDZ MLOD-2 MLR-2 AHOD" Commercial Pedestrian Historic Landmark Infill Development Zone Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for a Tattoo Parlor

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 5, 2023

**Case Manager:** Ann Benavidez, Zoning Planner

**Property Owner:** Olmec Properties LLC

**Applicant:** True Believers Tattoo LLC

**Representative:** Miranda Larson and Lauren O'Connor

**Location:** 1601 Guadalupe Street

**Legal Description:** Lot 28B, Block B, NCB 2436

**Total Acreage:** 0.1564 acres

**Notices Mailed****Owners of Property within 200 feet:** 49**Registered Neighborhood Associations within 200 feet:** Historic Westside Residents Association**Applicable Agencies:** Lackland Air Force Base, Planning Department**Property Details**

**Property History:** The subject property was part of the original 36 square miles of the City of San Antonio and was originally zoned "G" Local Retail District. The property was rezoned by Ordinance 75720, dated April 30, 1992, to "B-2" Business District. With the adoption of the 2001 Unified Development Code, established by Ordinance 93881, on May 3, 2001, the property zoned "B-2" Business District converted to "C-2" Commercial District. The property was rezoned by Ordinance 2011-06-02-0472, dated June 2, 2011, to the current "C-2P IDZ" Commercial Pedestrian Infill Development Zone District.

**Code & Permitting Details:**

REP-MBR-APP23-35010322 (Minor Building Repair)- September 2023 (pending Certificate of Appropriateness)

There are no code details for the subject property.

**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:** "IDZ-2" for thirty (30) dwelling units, "MF-33"**Current Land Uses:** Vacant, Senior housing**Direction:** South**Current Base Zoning:** "C-2"**Current Land Uses:** Vacant, Vacant commercial structure**Direction:** East**Current Base Zoning:** "C-2"**Current Land Uses:** Senior housing**Direction:** West**Current Base Zoning:** "C-2"**Current Land Uses:** Vacant, Residential Dwelling**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.

The "MLOD-2" Lackland Military Lighting Overlay District does not restrict permitted uses but does regulate outdoor lighting in an effort to minimize night-time light pollution and its effects on operations at the military installation.

The Infill Development Zone (IDZ) overlay provides flexible standards for developments. IDZ may be approved as either a base zoning district or an overlay zoning district. Typically, the IDZ overlay gives flexibility to parking requirements.

**Special District Information:**

No special district information.

**Transportation**

**Thoroughfare:** Guadalupe Street

**Existing Character:** Secondary Arterial Type B

**Proposed Changes:** None Known

**Public Transit:** There are VIA bus routes within walking distance of the subject property.

**Routes Served:** 66, 68, 268

**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 tattoo parlor is 1 space per 300 square feet of gross floor area.

The “IDZ” overlay waives the parking requirement.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: “C-2P” Commercial Pedestrian Districts are identical to C-2 districts except that there is a 35 foot maximum front setback, rear parking requirements, and additional window requirements.

Proposed Zoning: “C-2P CD” Commercial Pedestrian Districts are identical to C-2 districts except that there is a 35 foot maximum front setback, rear parking requirements, and additional window requirements.

If approved, the “CD” conditional use would permit a tattoo parlor on the property.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center or within a ½ mile of a Premium Transit Corridor.

**RECOMMENDATION:**

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

**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 Guadalupe/Westside Community Plan, adopted in May 2007, and is currently designated as “Low Density Mixed Use” in the future land use component of the plan. The requested “C-2P CD” 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 current “C-2P” Commercial Pedestrian District is an appropriate zoning for the property and surrounding area. The proposed “C-2P CD” Commercial Pedestrian District with a Conditional Use for a Tattoo parlor is also appropriate. The property is on a commercial corridor, with other commercial uses proximate at a similar level of intensity. The use is consistent with the surrounding development pattern and will be held to a prescribed site plan. This site plan will address the layout of the uses on the property, will prevent the expansion of the tattoo parlor. Deviation from the approved site plan could warrant the need for additional Council consideration.
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. Relevant Goals and Policies of the Comprehensive Plan may include:
  - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
  - 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.
  - GCF P9: Allow higher-density and mixed uses in portions of, or adjacent to, single-family residential areas to encourage shopping, services and entertainment amenities in close proximity to housing and where appropriate.

- GCF P13: Evaluate commercial and industrial land use and zoning designations in the core of the city, regional centers, urban centers and primary transit corridors to determine areas that could be converted to residential or mixed-use.
- H Goal 6: Infill development and revitalized neighborhoods provide a range of housing choices near the city center.
- H P18: Encourage housing to be built with, near or adjacent to retail uses.
- H P22: Redevelop vacant and underutilized properties on transit corridors into stand alone or mixed-use higher-density housing.

Relevant Goals and Objectives of the Guadalupe Westside Community Plan may include:

- GOAL 17: Support existing and future businesses.
- OBJECTIVE 19.2 Encourage rehabilitation of buildings.
  - o 19.2.1 Encourage property owners to rehabilitate vacant or deteriorated buildings, especially historic structures.

6. **Size of Tract:** The subject property is 0.1564 acres, which can reasonably accommodate the proposed development.
7. **Other Factors:** The subject property is located within the Lackland AFB 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.

The Conditional Use zoning procedure is designed to provide for a land use that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

The applicant is rezoning to develop live work uses on the property, with a tattoo parlor on the bottom floor and a residential unit on the top floor.