



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** July 18, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 2

**SUBJECT:**

ZONING CASE Z-2023-10700129 CD

**SUMMARY:**

**Current Zoning:** "RM-4 CD H AHOD" Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District with a Conditional Use for a Professional Office

**Requested Zoning:** "RM-4 CD H AHOD" Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District with a Conditional Use for a Studio - Fine or Performing Arts

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 18, 2023

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

**Property Owner:** Petra del Sol Eubanks

**Applicant:** Petra del Sol Eubanks

**Representative:** Jerry Cavazos

**Location:** 1512 East Houston Street

**Legal Description:** Lot 3, Block 15A, NCB 576

**Total Acreage:** 0.1509 acres

## **Notices Mailed**

**Owners of Property within 200 feet:** 36

**Registered Neighborhood Associations within 200 feet:** Dignowity Hill Neighborhood Association

**Applicable Agencies:** Fort Sam Houston, Office of Historic Preservation, 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 "K" Commercial District. The property was rezoned by Ordinance 70786, dated December 14, 1989, to "R-2" Two-Family Residence District. With the adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-2" Two-Family Residence District converted to "RM-4" Residential Mixed District. The property was rezoned by Ordinance 2020-02-20-0129, dated February 20, 2020, to "RM-4 CD" Residential Mixed District with a Conditional Use for a Professional Office.

**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:** "C-2", I-1"

**Current Land Uses:** Shuttle bus company

**Direction:** South

**Current Base Zoning:** "RM-4"

**Current Land Uses:** Residential dwelling

**Direction:** East

**Current Base Zoning:** "RM-4"

**Current Land Uses:** Vacant

**Direction:** West

**Current Base Zoning:** "RM-4", "IDZ-1"

**Current Land Uses:** Vacant, Food service establishment

## **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 Dignowity Hill Historic District, is an overlay district which was adopted in 1983. This district does not regulate use of the property, but does enforce building exterior design standards meant to maintain the architectural character or cultural significance of the designated area. 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:** East Houston Street

**Existing Character:** Secondary Arterial Type B

**Proposed Changes:** None Known

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

**Routes Served:** 22, 24, 222

**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 an art studio is 1 parking space per 300 square feet.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "RM-4 CD" Residential Mixed District accommodates single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 4,000 square feet and a minimum lot width of 15 feet, public and private schools.

The current "Conditional Use" permits a professional office.

Proposed Zoning: "RM-4 CD" Residential Mixed District accommodates single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 4,000 square feet and a minimum lot width of 15 feet, public and private schools.

The proposed "Conditional Use" would permit an art studio on the property.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center but is within a ½ mile of a Houston-Commerce 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 Dignowity Hill Neighborhood Plan and is currently designated as “Low Density Mixed Use” in the future land use component of the plan. The requested “RM-4 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 “RM-4 CD” Residential Mixed District with a Conditional Use for a Professional Office is an appropriate zoning for the property and surrounding area. The proposed “RM-4 CD” Residential Mixed District with a Conditional Use Studio - Fine or Performing Arts is also appropriate. While the property resides on a predominantly residential block, the property fronts a secondary arterial and is nearby to industrial and medium-to-high level commercial uses. A low-intensity commercial use is appropriate given the physical characteristics of the property. The inclusion of the “CD” Conditional Use will regulate various development aspects such as parking and building setbacks. Additionally, any expansion of the proposed use could warrant additional Council consideration and another public process.
- 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 following:

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 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 P14: Establish appropriate buffers and transitions (land use, form and/or landscaping) between residential neighborhoods and surrounding higher-density development.
- JEC P25: Continue efforts to revitalize the urban core and encourage creation of other mixed-use nodes in order to create environments attractive to young professionals and other workers.

Relevant Goals and Objectives of the Dignowity Hill Neighborhood Plan may include:

- OVERALL GOAL Coordinate and integrate development of a mix of neighborhood businesses that serve the immediate residents in the vicinity and establish housing options with diverse age and density that are walkable and secure.
- Goal 12: Expand neighborhood businesses that are convenient and safe for residents and visitors to easily access and enjoy.
- Objective 12.1: Establish and promote shopping within the Dignowity Hill neighborhood.
- Objective 12.2: Encourage new small businesses to develop in Dignowity Hill such as small retail stores and restaurants.

**6. Size of Tract:** The subject property is 0.1509 acres, which can reasonably accommodate the proposed residential development.

**7. Other Factor:** The applicant intends to rezone to “RM-4 CD” to develop an Art Studio on the property. The site plan indicates the applicant’s intention to utilize the existing structure for this use. The current conditional use assigned to the property allows Professional Office uses, but it is not sufficient to allow the proposed Art Studio.

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 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.