

3. (Continued from 9/3/2024) ZONING CASE Z-2024-10700172 S (Council District 2): A request for a change in zoning from "AE-1 AHOD" Arts and Entertainment Airport Hazard Overlay District to "AE-1 S AHOD" Arts and Entertainment Airport Hazard Overlay District with a Specific Use Authorization for a Hotel on Lots 3 and 4, Block 109, NCB 1386, located at 1738 East Commerce Street. Staff recommends Approval. (Bronte Frere, Zoning Planner, 210-207-5876, [Bronte.Frere@sanantonio.gov](mailto:Bronte.Frere@sanantonio.gov), Development Services Department)



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 1, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Director

**COUNCIL DISTRICTS IMPACTED:** District 2

**SUBJECT:**

ZONING CASE Z-2024-10700172 S

**SUMMARY:**

**Current Zoning:** "AE-1 AHOD" Arts and Entertainment Airport Hazard Overlay District

**Requested Zoning:** "AE-1 S AHOD" Arts and Entertainment Airport Hazard Overlay District with a Specific Use Authorization for a Hotel

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 1, 2024. This case was continued from the September 3, 2024 hearing.

**Case Manager:** Bronte Frere, Zoning Planner

**Property Owner:** De Moment LLC

**Applicant:** Gerardo Ituarte

**Representative:** Gerardo Ituarte

**Location:** 1738 East Commerce Street

**Legal Description:** Lots 3 and 4, Block 109, NCB 1386

**Total Acreage:** 0.2685 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 25

**Registered Neighborhood Associations within 200 feet:** Denver Heights Neighborhood Association and Dignowity Hill Neighborhood Association

**Applicable Agencies:** Office of Historic Preservation

**Property Details**

**Property History:** The subject property was located within the original 36 square miles of the City of San Antonio and zoned "K" Commercial District. The property was rezoned by Ordinance 79329, dated December 16, 1993, to "B-3" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3" Business District converted to "C-3" General Commercial District. The property was rezoned by Ordinance 2008-12-04-1128, dated December 4, 2008, to the current "AE-1" Arts and Entertainment District.

**Code & Permitting Details:**

INV-PBP-24-3100001630 – Building Without A Permit – Closed – March 2024

**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:** "R-4," "R-4 S"

**Current Land Uses:** Cemeteries

**Direction:** South

**Current Base Zoning:** "AE-2"

**Current Land Uses:** Single-Family Dwellings, Multi-Family Dwellings

**Direction:** East

**Current Base Zoning:** "AE-1 S," "AE-1"

**Current Land Uses:** Smoke Shop, Single-Family Dwellings

**Direction:** West

**Current Base Zoning:** "AE-1," "AE-1 S"

**Current Land Uses:** Church, Vacant Land, Auto Body Shop

**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.

**Special District Information:**

The Arts and Entertainment District is a special district that is used to encourage development patterns that support existing arts and entertainment venues while promoting the creation of additional venues and supporting uses.

**Transportation**

**Thoroughfare:** East Commerce Street

**Existing Character:** Primary Arterial Type B

**Proposed Changes:** None known.

**Thoroughfare:** South Monumental Street

**Existing Character:** Local

**Proposed Changes:** None known.

**Public Transit:** There are VIA bus routes within a ½ mile of the subject property.

**Routes Served:** 24, 25, 225

**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 for a hotel is 0.8 per room plus 1 per 800 sf of public meeting area and restaurant space, and the maximum is 1 per room plus 1 per 400 sf of public meeting area and restaurant space 1 space per 100 square feet GFA.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "AE-1" Arts and Entertainment Districts are to encourage development patterns that support existing arts and entertainment venues while promoting the creation of additional venues and supporting uses.

Proposed Zoning: "AE-1" Arts and Entertainment Districts are to encourage development patterns that support existing arts and entertainment venues while promoting the creation of additional venues and supporting uses.

The Specific Use Authorization is for a Hotel.

**FISCAL IMPACT:**

None.

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

Subject property is not located within a Regional Center but is within ½ a mile from the Commerce-Houston Transit Corridor and the New Braunfels Avenue Transit Corridor.

## **RECOMMENDATION:**

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

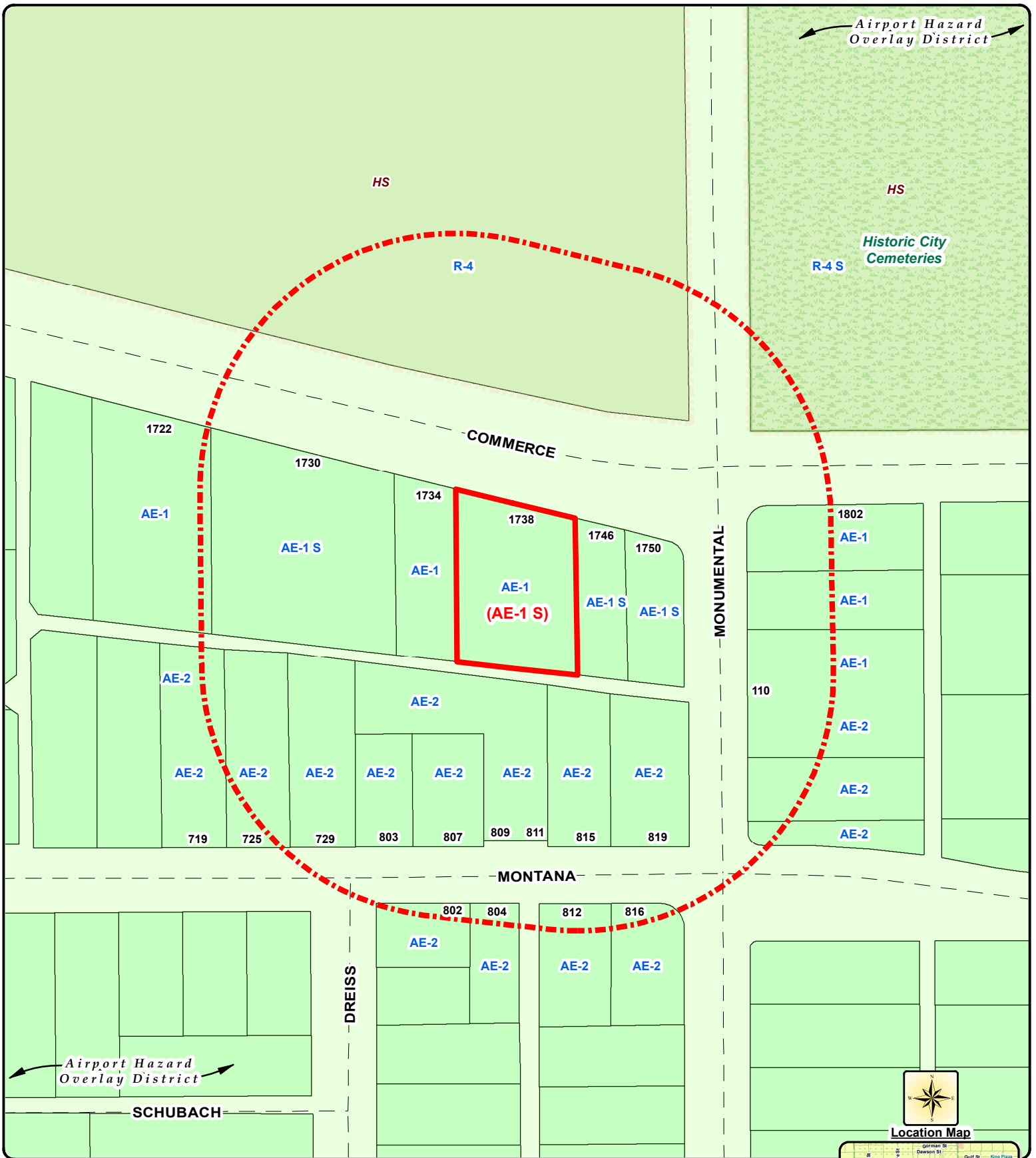
**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on approval criteria below.

- 1. Consistency:** The subject property is located within the Eastside Community Area Plan, adopted June 2024, and is currently designated as “Regional Mixed Use” in the future land use component of the plan. The requested “AE-1” 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. Surrounding properties are “AE-1” Arts & Entertainment District, “AE-2” Arts & Entertainment District, and “R-4” Residential Single-Family District.
- 3. Suitability as Presently Zoned:** The existing “AE-1” Arts & Entertainment District is an appropriate zoning for the property and surrounding area. The proposed “AE-1 S” Arts & Entertainment District with a Specific Use for a Hotel is also appropriate. The “S” Specific Use Authorization is required for the Hotel use. The Arts & Entertainment District was designed to facilitate infill and redevelopment with mixed uses. The subject property is suitably located along the Commerce Avenue corridor, a primary arterial, that accommodates a variety of commercial and residential mixed uses making the proposed zoning suitable for the area.
- 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 Eastside Community Area Plan:
  - Strategy 1.4: Support businesses that improve residents’ access to daily retail goods and services. Identify opportunities for flexible and/or temporary locations and spaces that offer lower risk and/or lower costs for businesses to experiment (e.g., business incubators, public open spaces, vacant commercial and industrial buildings, parking lots).
  - Strategy 2.2: Actively promote and market employment-oriented development sites in the Eastside Community Area to prospective businesses, site selectors, and economic development entities to attract additional employers to the areas with Neighborhood Mixed-Use, Urban Mixed-Use, Regional Mixed-Use, Employment/Flex Mixed-Use, Business/Innovation Mixed-Use, and Light Industrial future land use designations. These areas can support more employment with higher wages and better career pathways than that provided in typical retail and food service establishments.
  - Strategy
- 6. Size of Tract:** The 0.2685-acre site is of sufficient size to accommodate the proposed commercial development.

7. **Other Factors:** The purpose of the Specific Use Authorization is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but may, under the right set of circumstances and conditions be acceptable in certain specific locations.

The applicant is rezoning to develop a hotel.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates commercial uses.



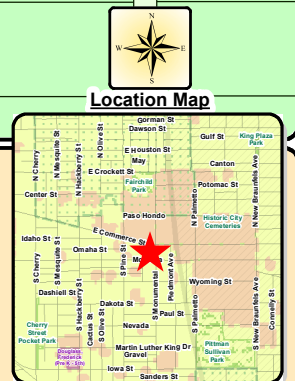
## Zoning Case Notification Plan

### Case Z-2024-10700172

Council District: 2  
 School District: San Antonio I.S.D.  
 Scale: 1" = 100 Feet



Legend	
Subject Property(ies)	
200 Ft. Notification Area	
Single Family Residential	1R
Current Land Use Description	TEXT
Current Zoning	TEXT
Requested Zoning Change	(TEXT)
Creek / River Region	
City Limits	
Corridor Overlay	
ERZD Region	
MLOD Region	
AHOD Region	



Note: All Current and Requested Zoning include: Airport Hazard Overlay District (AHOD)



1738 E Commerce

Brown Line: Fence (6')

## Off Street Parking

Cooperative: 40 Spaces (10' x 25')

Landscaping in Green: 3,377 sqft

Impervious Area: 8,318 sqft

Living Space: 11,700 sqft

0.2685 acres

To: "AE-1 S AHOD" Arts and Entertainment Airport Hazard Overlay District with a Specific Use Authorization for a Hotel

I, Gerardo Ituarte, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permits.

