



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** April 2, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**  
ZONING CASE Z-2024-10700042 S

**SUMMARY:**  
**Current Zoning:** "D AHOD" Downtown Airport Hazard Overlay District

**Requested Zoning:** "D S AHOD" Downtown Airport Hazard Overlay District with a Specific Use Authorization for Amusement and/or Theme Park - Outdoor Rides

**BACKGROUND INFORMATION:**  
**Zoning Commission Hearing Date:** April 2, 2024

**Case Manager:** Vincent Trevino, Senior Zoning Planner

**Property Owner:** Om Shree Shiv Shakti, LLC c/o Shyam Patel

**Applicant:** Michael Troy

**Representative:** Ortiz McKnight, PLLC

**Location:** 902 East Houston Street

**Legal Description:** Lots A4, A5, A6, A7, A8, A14 & South 5.35 feet of A1, NCB 164

**Total Acreage:** 0.7958

**Notices Mailed****Owners of Property within 200 feet:** 21**Registered Neighborhood Associations within 200 feet:** Downtown Residents**Applicable Agencies:** Fort Sam Houston**Property Details**

**Property History:** The subject property was located within the original 36 square miles of the City of San Antonio and zoned "I" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "I" Business District converted to the current "I-1" General Industrial District. The property was rezoned by Ordinance 97651, dated May 28, 2003 to "D" Downtown District.

**Code & Permitting Details:**

There is no code enforcement or permitting history for the subject property.

**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:** "D"**Current Land Uses:** Hotel**Direction:** South**Current Base Zoning:** "D"**Current Land Uses:** Commercial Parking Lot**Direction:** East**Current Base Zoning:** UZROW**Current Land Uses:** UZROW**Direction:** West**Current Base Zoning:** "D"**Current Land Uses:** Commercial Parking Lot**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:**

None

## **Transportation**

**Thoroughfare:** East Houston Street

**Existing Character:** Minor

**Proposed Changes:** None Known

**Thoroughfare:** Bowie Street

**Existing Character:** Principal

**Proposed Changes:** None Known

**Public Transit:** There is public transit within walking distance of the subject property.

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

**Traffic Impact:** The traffic generated by the proposal development does not exceed the threshold requirements. Development generates less than seventy-six (76) PHT Sec. 35-502.

**Parking Information:** The minimum parking requirement for Amusement and/or Theme Park – outdoor rides is 1 per 600 sf outdoor recreation area, and the maximum parking requirement is 1 per 500 sf outdoor recreation area.

### **ISSUE:**

None

### **ALTERNATIVES:**

Current Zoning: "D" Downtown District provides concentrated downtown retail, service, office and mixed uses in the existing central business district. There are no building size or height limitations, and parking requirements are waived. Examples of permitted uses: bar/tavern, indoor theater, taxi & limousine service, residential uses, hotel, art gallery and/or studio, offices (no restrictions on square footage unless otherwise prescribed), and telephone equipment infrastructure.

Proposed Zoning: "D" Downtown provides concentrated downtown retail, service, office and mixed uses in the existing central business district. There are no building size or height limitations, and parking requirements are waived. Examples of permitted uses: bar/tavern, indoor theater, taxi & limousine service, residential uses, hotel, art gallery and/or studio, offices (no restrictions on square footage unless otherwise prescribed), and telephone equipment infrastructure.

The "S" Specific Use Authorization will allow for Amusement And/Or Theme Park - Outdoor Rides

### **FISCAL IMPACT:**

None

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

Subject property is located with the Central Business District Regional Center and within ½ a mile from the Commerce-Houston Metro 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 Downtown Area Regional Center, adopted in 2009, and is currently designated as Regional Mixed Use in the future land use component of the plan. The requested “D” 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 existing “D” Downtown District is an appropriate zoning for the property and surrounding area. The proposed “D S” Downtown with a Special Use for Amusement And/Or Theme Park - Outdoor Rides. The request preserves the existing “D” base zoning district, allowing retail, service, office, and mixed uses but adds the single Specific Use for Amusement And/Or Theme Park - Outdoor Rides which is subject to a site plan. If there are any increases in size or intensity, it would require further public and Council review and approval.
4. **Health, Safety and Welfare:** Staff has not found indication of likely adverse effects on the public health, safety, or welfare.
5. **Public Policy:** Relevant Goals and Policies of the SA Tomorrow Comprehensive may include: Goal 3: Embrace Lifelong Learning and Celebrate the Arts and Cultural Diversity • Provide access to a full range of schools and other educational opportunities for residents at every stage of their lives; • Promote an educated and well-trained workforce; • Encourage the incorporation of public art into development and redevelopment projects; • Incorporate contextually derived wayfinding features and placemaking; and • Ensure the sustainability of arts and cultural organizations and institutions. Goal 4: Diversify the Mix of Uses in the Downtown Core • Encourage new and renovated buildings to incorporate a mix of uses; • Encourage the development of vacant lots in the city center with a geographically balanced mix of uses; • Cultivate entrepreneurship, small business, and innovation; • Attract additional housing and a diversity of employment options in the Downtown core; and • Create complete neighborhoods by providing residents with safe and convenient access to daily activities, goods, and services. Goal 7: Create Greater Opportunities for Parks, Public Space, and Recreation • Encourage connectivity to existing trails; • Ensure that public spaces are scaled appropriately, flexible, programmable, and functional for people of all ability levels; • Ensure that public spaces are located appropriately to optimize their levels of activity; • Create a public realm that is safe and inviting enough that children are empowered to play and interact with everyday spaces; • Support existing and encourage new community events; and • Embrace innovative opportunities to create new parks and recreation spaces.

6. **Size of Tract:** The 0.7958 acre site is of sufficient size to accommodate the proposed Amusement And/Or Theme Park - Outdoor Rides development.
7. **Other Factors:** No access may be allowed onto East Houston Street due to limited frontage. TxDOT coordination would be required.

This property is located within the Downtown Design Area. In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. Any new construction will require approval from the Office of Historic Preservation. Approval of a site plan or materials submitted as part of a zoning application does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. To date, no application has been made to the Office of Historic Preservation for work on this property.

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 an Amusement and/or Theme Park – Outdoor Rides. The intention is to build an observation wheel and carousel.

All properties zoned “D” Downtown District require adherence to the standards of the Downtown Design Guide. The Downtown Design Guide is intended to provide guidance for creating a livable and sustainable Downtown. The Downtown Design Guide is intended to be a means of balancing the traditional qualities of the downtown with the demands of contemporary use. It includes both standards and guidelines for development.