



City of San Antonio

Agenda Memorandum

Agenda Date: February 2, 2023

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 2

SUBJECT:
ZONING CASE Z-2022-10700305 CD

SUMMARY:
Current Zoning: "RM-4 HL AHOD" Residential Mixed Historic Landmark Airport Hazard Overlay District

Requested Zoning: "RM-4 CD HL AHOD" Residential Mixed Historic Landmark Airport Hazard Overlay District with a Conditional Use for Performing Arts Studio

BACKGROUND INFORMATION:
Zoning Commission Hearing Date: December 20, 2022. Continued from December 6, 2022.

Case Manager: Adolfo Gonzalez, Planner

Property Owner: Eugenio Chavarria

Applicant: Eugenio Chavarria

Representative: Eugenio Chavarria

Location: 230 Cactus Street

Legal Description: Lot 9 and Lot 18, Block B, NCB 632

Total Acreage: 0.0993

Notices Mailed**Owners of Property within 200 feet:** 53**Registered Neighborhood Associations within 200 feet:** Denver Heights Neighborhood Association**Applicable Agencies:** OHP**Property Details**

Property History: The subject property was located within the original 36 square miles of the City of San Antonio and zoned "C" Apartment District. The subject property was rezoned by Ordinance 79329, dated December 16, 1993 to "R-2" Two-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-2" Two-Family Residence District converted to the current "RM-4" Residential Mixed District.

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:** RM-4**Current Land Uses:** Residential Dwelling**Direction:** East**Current Base Zoning:** RM-4**Current Land Uses:** Residential Dwelling**Direction:** South**Current Base Zoning:** RM-4**Current Land Uses:** Residential Dwelling**Direction:** West**Current Base Zoning:** RM-4**Current Land Uses:** 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.

Special District Information:

None.

Transportation

Thoroughfare: Martin Luther King

Existing Character: Local

Proposed Changes: None known.

Thoroughfare: Cactus Street

Existing Character: Local

Proposed Changes: None known.

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

Routes served: 26, 28, 225, 230

Traffic Impact: A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.

Parking Information: The minimum parking for a Performing Arts Studio is 1 space per 300 square feet GFA. The maximum parking for a Performing Arts Studio is 1 per 200 square feet GFA.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "RM-4" Residential Mixed District allows single-family dwellings (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.

Proposed Zoning: "RM-4" Residential Mixed District allows 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 "CD" Conditional Use would permit a Performing Arts Studio as an additional use to the existing residential dwelling.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

Subject property is not located within a Regional Center or within ½ a mile from a Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission recommend 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 Neighborhood Plan and is currently designated as “Residential” 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 as the request maintains the base “RM-4” Residential Mixed District zoning designation.
3. **Suitability as Presently Zoned:** The existing “RM-4” Residential Mixed District is an appropriate zoning for the property and surrounding area. The proposed “RM-4 CD” Residential Mixed District with a Conditional Use for a Performing Arts Studio and an appropriate zoning for the property and surrounding area. There is an existing catering business within close proximity of the subject property also zoned with a Conditional Use for a business in a residential neighborhood.
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 Downtown Neighborhood Plan.
 - Goal: Geographically balance businesses, entertainment, community facilities, arts, culture and residential projects to enhance downtown’s urban character. Create design standards and a model downtown neighborhood.
6. **Size of Tract:** The 0.0993-acre site is of sufficient size to accommodate the proposed Performing Arts Studio.
7. **Other Factors:** This property is designated a local historic landmark (HS). Any proposed exterior alterations and new construction associated with the proposal will require approval from the Office of Historic Preservation. Approval of a site plan or renderings 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 this project.

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 a Performing Arts Studio.

The following conditions shall apply to the operation of nonresidential uses permitted within any residential district, unless otherwise approved by the City Council:

- A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- B. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
- C. Business hours operation shall not be permitted before 7:00 a.m. or after 6:00 p.m.