



City of San Antonio

Agenda Memorandum

Agenda Date: December 16, 2021

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 1

SUBJECT:
ZONING CASE Z-2021-10700283 CD

SUMMARY:
Current Zoning: "C-2 H HS AHOD" Commercial Historic Lavaca Historic Significant Airport Hazard Overlay District

Requested Zoning: "C-2 CD H HS AHOD" Commercial Historic Lavaca Historic Significant Airport Hazard Overlay District with a Conditional Use for a Tattoo Parlor

BACKGROUND INFORMATION:
Zoning Commission Hearing Date: November 16, 2021

Case Manager: Forrest Wilson, Planner

Property Owner: Tom V. Hollander

Applicant: Laraine Hendrix

Representative: Margaret Gonzalez

Location: 724 South Alamo Street

Legal Description: the south 80.3 feet of Lot 1, Block 13, NCB 716

Total Acreage: 0.0950

Notices Mailed**Owners of Property within 200 feet:** 23**Registered Neighborhood Associations within 200 feet:** Lavaca Neighborhood Association**Applicable Agencies:** None**Property Details**

Property History: The subject property was part of the original 36 square miles of the City of San Antonio and zoned "J" Commercial District. The property was rezoned by Ordinance 85414, dated January 9, 1997, to Historic Significant Landmark "B-2" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-2" Business District converted to "C-2" Commercial 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:** "C-3R"**Current Land Uses:** Restaurant**Direction:** East**Current Base Zoning:** "RM-4"**Current Land Uses:** Single-Family**Direction:** South**Current Base Zoning:** "C-2"**Current Land Uses:** Medical Facility**Direction:** West**Current Base Zoning:** "C-2"**Current Land Uses:** Restaurant/Bar**Overlay District Information:**

The Lavaca Historic District is an overlay district which was adopted in 2001. 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. 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: South Alamo

Existing Character: Minor

Proposed Changes: None Known

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

Routes Served: 36, 242

Traffic Impact: TIA report is not required.

Parking Information: The minimum parking requirement is 1 space per 300 SF of GFA.

ISSUE:

None

ALTERNATIVES:

Current Zoning: “C-2” Commercial Districts accommodate community commercial uses, with unlimited building size, and building height limitation of 25 feet. Examples of permitted uses: liquor store, miniature golf and other indoor gaming facilities, small indoor movie theater, pet cemetery, auto & light truck oil, lube & tune-up, auto glass tinting, tire repair (sale and installation only), gas station, appliance sales & repair, charitable food & clothing banks and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining.

Proposed Zoning: “C-2” Commercial Districts accommodate community commercial uses, with unlimited building size, and building height limitation of 25 feet. Examples of permitted uses: liquor store, miniature golf and other indoor gaming facilities, small indoor movie theater, pet cemetery, auto & light truck oil, lube & tune-up, auto glass tinting, tire repair (sale and installation only), gas station, appliance sales & repair, charitable food & clothing banks and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining.

The proposed “CD” Conditional Use would allow a Tattoo Parlor in addition to all the uses already allowed in the “C-2” Commercial District.

FISCAL IMPACT:

None

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is located within the Downtown Regional Center and a Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff and Zoning Commission recommend Approval, with Conditions.

If approved the following Condition is recommended: Hours of operation from 8:00a.m. to 10:00p.m., seven days a week.

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 Plan and is currently designated as “Urban Mixed Use” in the future land use component of the plan. The requested “C-2” Commercial 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. Surrounding properties are zoned "C-2" Commercial District and "C-3" General Commercial District.
3. **Suitability as Presently Zoned:** The existing “C-2” Commercial District is an appropriate zoning for the property and surrounding area. The requested “C-2 CD” Commercial District with a Conditional Use for a Tattoo Parlor is also appropriate for the property and surrounding area, as it is located along a commercial corridor with good pedestrian access. The proposed use is allowed by right in the "C-3" General Commercial District and is being requested to be conditioned down to the "C-2" Commercial District with a Conditional Use for the additional activity of Tattoo Parlor. The Conditional Use where necessary may place additional regulation on the proposed use such as limitation on the hours of operation and/or the number and type of temporary signage.
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 proposed change of zoning does not appear to conflict with the following goals and strategies of the Downtown Area Regional Center Plan:

Relevant Goals/Recommendations/Strategies of the Downtown Area Regional Center Plan may include:

Goal 1 - Goal 1: Preserve and Enhance Downtown’s Authenticity

- Grow and evolve in meaningful ways that encourage attachment between people and places.

- Encourage adaptive reuse.

Goal 4 - Diversify the Mix of Uses in the Downtown Core

- Cultivate entrepreneurship, small business, and innovation.

6. **Size of Tract:** The 0.0950 acre site is of sufficient size to accommodate the existing commercial development and the proposed Tattoo Parlor.
7. **Other Factors:** 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 for a Tattoo Parlor.

This property is located within the Lavaca Historic District. Any future exterior modifications or signage will require written approval from the Office of Historic Preservation. Approval of a zoning change does not supersede any requirements for design review outlined in Article VI of the Unified Development Code.