



# City of San Antonio

## Agenda Memorandum

**File Number:**20-1413

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**Agenda Item Number:** 9.

**Agenda Date:** 1/21/2020

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z-2019-10700301 S

**SUMMARY:**

**Current Zoning:** "AE-2 AHOD" Arts and Entertainment Airport Hazard Overlay District

**Requested Zoning:** AE-2 S AHOD" Arts and Entertainment Airport Hazard Overlay District with a Specific Use Authorization for three (3) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** January 21, 2020. This case is continued from the December 17, 2019 zoning hearing.

**Case Manager:** Michael Pepe, Planner

**Property Owner:** ARTZ Development LLC

**Applicant:** Gerardo Ituarte

**Representative:** Gerardo Ituarte

**Location:** 811 Montana Street

**Legal Description:** Lot 26, Block 109, NCB 1386

**Total Acreage:** 0.1435

**Notices Mailed**

**Owners of Property within 200 feet:** 37

**Registered Neighborhood Associations within 200 feet:** Denver Heights 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 "D" Apartment District. The property was rezoned by Ordinance 79329, dated December 16, 1993 from "D" Apartment District 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 "RM-4" Residential Mixed District. The property was rezoned by Ordinance 2008-12-04-1128, dated December 4, 2008 from "RM-4" Residential Mixed District to the current "AE-2" Arts and Entertainment District.

**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:** "AE-2"

**Current Land Uses:** Commercial

**Direction:** South

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

**Current Land Uses:** Residential

**Direction:** East

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

**Current Land Uses:** Residential

**Direction:** West

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

**Current Land Uses:** Residential

### **Overlay and Special District Information:**

"AHOD"

All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

### **Transportation**

**Thoroughfare:** Montana Street

**Existing Character:** Collector

**Proposed Changes:** None Known

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

**Routes Served:** 25, 225

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

**Parking Information:** The minimum parking requirement for a 3 family cluster is 1.5 spaces per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of “AE-2”. The arts and entertainment special zoning districts are designed to support existing arts and entertainment venues and promote the creation of additional venues and supporting uses. These special zoning districts are appropriate where existing arts and entertainment venues are adjacent to areas with high building and lot vacancy rates where infill development and redevelopment is desired. By creating a distinct area for arts and entertainment venues and supporting uses, this zoning district allows a community to capitalize on nearby venues and draw visitors into the community. The arts and entertainment districts facilitate infill development and redevelopment by creating a consistent pattern of zoning, creating certainty about the form and function of future development and creating an identity that may be utilized to attract investment. The AE-2 district accommodates smaller scale arts and entertainment venues and supporting uses. This district supports infill development and the redevelopment of parcels along existing arterials where lot and building vacancies are prevalent, but where nearby arts and entertainment venues bring people to the general area. The primary goal of this district is to create space, in many cases within existing structures, for local artists to live, work, display and sell their artwork. Artists that locate within this district will benefit from the draw of other artists and the collective energy of the area. Corner lots may be utilized for neighborhood based commercial uses including cafes, bakeries, convenience stores and barber/beauty shops. This district is designed to harmoniously co-exist with adjacent single-family residential neighborhoods.

The requested “AE-2” would allow the same land uses as the current zoning, but it would allow a three (3) dwelling units.

**FISCAL IMPACT:**

None.

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

The subject property is not within a Regional Center and is located within the 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 the 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 “AE-2” 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 rezoning maintains the base zoning of “AE-2”.

**3. Suitability as Presently Zoned:**

The current “AE-2” Arts and Entertainment District is an appropriate zoning for the property and surrounding area, as would be the requested “AE-2 S”. The “S” Specific Use Authorization allows for consideration of

additional density for three (3) dwelling units. The applicant can construct two (2) dwelling units by right with proper permitting, but are requesting the “S” for one (1) additional unit.

**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 rezoning does not appear to conflict with the following goals, principles, and objectives of the Downtown Neighborhood Plan:

Create urban neighborhoods and increase the number of residents living downtown.

Geographically balance businesses, entertainment, community facilities, arts, culture and residential projects to enhance downtown’s urban character.

**6. Size of Tract:**

The subject property is 0.1435 acres, which could reasonably accommodate three (3) residential units.

**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.