



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-7248

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 12/17/2020

**Title:** ZONING CASE Z-2020-10700201 CD (Council District 2): Ordinance amending the Zoning District Boundary from "RM-6 H AHOD" Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District to "R-4 CD H AHOD" Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District with a Conditional Use for three (3) Dwelling Units on Lot 1, Block G, NCB 1659, located at 732 North Pine Street. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Site Plan, 3. Draft Ordinance, 4. Zoning Minutes, 5. Ordinance 2020-12-17-0947

Date	Ver.	Action By	Action	Result
12/17/2020	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2020-10700201 CD

**SUMMARY:**

**Current Zoning:** "RM-6 H AHOD" Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District

**Requested Zoning:** "R-4 CD H AHOD" Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District with a Conditional Use for three (3) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 17, 2020

**Case Manager:** Lorianne Thennes, Planner

**Property Owner:** Adeel Riaz

**Applicant:** Rao's Consulting Engineers, LLC

**Representative:** Rao Vasamsetti

**Location:** 732 North Pine Street

**Legal Description:** Lot 1, Block G, NCB 1659

**Total Acreage:** 0.2207 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 26

**Registered Neighborhood Associations within 200 feet:** Dignowity Hill Neighborhood Association

**Applicable Agencies:** Office of Historic Preservation, Planning Department, Fort Sam

**Property Details**

**Property History:** The subject property is part of the original 36 square miles of the city and was originally zoned "D" Apartment District. The property was rezoned to "R-2" Two Family Residence District by Ordinance 70785, dated December 14, 1989. The previous "R-2" converted to "RM-4" Residential Mixed District in the zoning district conversion that accompanied the adoption of the 2001 UDC, according to Ordinance 93881 in May 2001. The property was rezoned to "RM-6" by Ordinance 2012-12-06-0953, dated December 6, 2012.

**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:** "R-5"

**Current Land Uses:** Single-family dwelling units, duplex

**Direction:** East

**Current Base Zoning:** "R-6"

**Current Land Uses:** Single-family dwelling units

**Direction:** South

**Current Base Zoning:** "RM-6" and "R-6"

**Current Land Uses:** Single-family dwelling units

**Direction:** West

**Current Base Zoning:** "R-6," "RM-5," and "RM-6"

**Current Land Uses:** Single-family dwelling units, duplex, multi-unit dwelling

**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.

"H"

The surrounding properties are located in the Dignowity Hill Historic District, which was adopted on December 8, 1983. Historic districts do not regulate use of the property, but do 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.

**Transportation**

**Thoroughfare:** North Pine Street

**Existing Character:** Collector

**Proposed Changes:** None

**Thoroughfare:** Burnet Street

**Existing Character:** Local

**Proposed Changes:** None

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

**Routes Served:** 22, 222

**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 4 dwelling units is 1.5 spaces per unit.

**ISSUE:** None.

**ALTERNATIVES:**

**Current:** The current “RM-6” Mixed Residential District provides areas for medium to high-density residential uses where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing a mixture of single-family, two-family and multi-family dwellings and open space where similar residential development seems likely to occur. The district regulations are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the area by requiring flexible yard and area standards. Mixed residential districts provide flexible density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

**Proposed:** The proposed “R-4” Residential Single-Family District provides areas for medium- to high-density, single-family residential uses where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing single-family dwellings and open area where similar residential development seems likely to occur. Residential single-family provides minimum lot size and density requirements in order to preserve neighborhood character.

The “CD” would allow for consideration of three (3) dwelling units.

**FISCAL IMPACT:** None.

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

The property is not within a regional center but is within a premium transit corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (11-0) recommend 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 Dignowity Hill Neighborhood Plan and is currently designated as “Low Density Residential.” The requested “R-4” is consistent with the future land use designation.

**2. Adverse Impacts on Neighboring Lands:**

Staff finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The request downzones the property to “R-4” zoning and for three (3) units. There are three (3) units existing on the site and the site plan holds the applicant to only 3 units and the specified layout.

**3. Suitability as Presently Zoned:**

The current “RM-6” Residential Mixed District is an appropriate zoning for the property and surrounding area. The property was purposefully rezoned from “RM-4” to the current “RM-6” in 2012. While the existing “RM-6” is appropriate, the proposed “R-4 CD” Residential Single-Family with Conditional Use for three (3) dwelling units is equally suitable with the area.

**4. Health, Safety and Welfare:**

Staff has not found indication of likely adverse effects on the public health, safety, or welfare. The proposed three (3) units maintains the density already established in the area.

**5. Public Policy:**

The proposed rezoning appears to conflict with the following goals, principles, and objectives of the Dignowity Hill Neighborhood Plan:

- Goal 2: Enhance the historic character of the neighborhood
- Goal 10: Preserve the unique historic character of Dignowity Hill
- “Only one accessory dwelling is permitted per lot and should reflect the appearance of the main structure. It is also recommended that structures built as multifamily housing continue its multifamily use, even when located within the low density residential areas.”

**6. Size of Tract:**

The subject property is 0.2207 acres, which could reasonably accommodate residential dwelling units.

**7. Other Factors:**

This property is located within the Dignowity Hill Historic District. Any exterior modifications or demolition will require approval from the Office of Historic Preservation and the Historic and Design Review Commission. 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 Historic and Design Review Commission for this project. Additionally, based on the documentation which indicates the demolition of a historic rear accessory structure, there are concerns.

By today’s zoning standards, the two (2) existing units, in the current configuration, are allowed by right in “RM-6” and the 3<sup>rd</sup> unit would be considered non-conforming and would be allowed to remain. Thus, staff supports “R-4 CD” Residential Single-Family with Conditional Use for three (3) units.