



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-3649

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 6/18/2020

**Title:** ZONING CASE Z-2020-10700053 CD (Council District 2): Ordinance amending the Zoning District Boundary from "R-5 H MLOD-3 MLR-2 AHOD" Residential Single-Family Government Hill Historic Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District to "R-5 CD H MLOD-3 MLR-2 AHOD" Residential Single-Family Government Hill Historic Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units on Lot 14, Block 6, NCB 1277, located at 1907 North Interstate 35. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Site Plan, 3. Draft Ordinance, 4. Zoning Minutes, 5. Ordinance 2020-06-18-0433

Date	Ver.	Action By	Action	Result
6/18/2020	1	City Council A Session	adopted	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2020-10700053 CD

**SUMMARY:**

**Current Zoning:** "R-5 H MLOD-3 MLR-2 AHOD" Residential Single-Family Government Hill Historic Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "R-5 CD H MLOD-3 MLR-2 AHOD" Residential Single-Family Government Hill Historic Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** May 19, 2020

**Case Manager:** Lorianne Thennes, Planner

**Property Owner:** Abel Villarreal

**Applicant:** Abel Villarreal

**Representative:** Fernando Trujillo

**Location:** 1907 North Interstate 35

**Legal Description:** Lot 14, Block 6, NCB 1277

**Total Acreage:** 0.1894 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 21

**Registered Neighborhood Associations within 200 feet:** Government Hill Alliance Neighborhood Association

**Applicable Agencies:** Office of Historic Preservation, Planning Department, Texas Department of Transportation, Martindale Army Airfield

**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 previous "D" district converted to "MF-33" Multi-Family District in the zoning district conversion that accompanied the adoption of the 2001 UDC, according to Ordinance 93881 in May 2001. Ordinance 94593, dated September 20, 2001 designated the property in a Historic District. The property was rezoned to "R-5" Residential Single-Family District by Ordinance 2010-11-04-0971, dated November 4, 2010.

**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:** "RM-5" and "R-5"

**Current Land Uses:** Duplexes, multi-family dwelling

**Direction:** East

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

**Current Land Uses:** Duplexes, single-family dwellings, multi-family dwellings

**Direction:** South

**Current Base Zoning:** "UZROW"

**Current Land Uses:** Highway

**Direction:** West

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

**Current Land Uses:** Church, community center

**Overlay and Special District Information:**

"H"

The surrounding properties are located in the Government Hill Historic District, which was adopted on April 11, 2002. 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.

**"MLOD-3"**

All surrounding properties carry the "MLOD-3" Military Lighting Overlay District, due to their proximity to Martindale Army Airfield. The "MLOD-3" does not restrict permitted uses, but does regulate outdoor lighting in an effort to minimize night-time light pollution and its effects on operations at the military installation.

**"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:** North Interstate 35

**Existing Character:** Secondary Arterial

**Proposed Changes:** None

**Public Transit:** There is a VIA bus route within walking distance of the subject property.

**Routes:** 20

**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 two (2) dwelling unit is 1 space per unit.

**ISSUE:** None

**ALTERNATIVES:**

**Current:** The current "R-5" 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.

**Proposed:** The proposed "R-5" 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 conditional use would allow for consideration of two (2) 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 Government Hill Neighborhood Plan and is currently designated as “Low Density Residential.” The requested “R-5” 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.

**3. Suitability as Presently Zoned:**

The current “R-5” Residential Single-Family District is an appropriate zoning for the property and surrounding area.

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

Staff has not found indication of likely adverse effects on the public health, safety, or welfare. It will allow the existing single-family home and the “CD” Conditional Use allows consideration of an additional dwelling unit. If the property was owner-occupied, two (2) units would be allowed with proper permitting.

**5. Public Policy:**

The proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the Government Hill Neighborhood Plan:

“Recommended development densities in Low Density Residential areas should not exceed 9 dwelling units per acre.”

“Low Density Residential land use is an appropriate classification for the existing residential core of the area and will promote and protect the existing low density residential uses while recognizing the existence of conforming medium density residential uses.”

**6. Size of Tract:**

The subject property is 0.1894 acres, which could reasonably accommodate two (2) dwelling units.

**7. Other Factors:**

The subject property is located within the Martindale Army Air Field Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JB SA was notified of the proposed request.

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.

This property is located within the Government Hill Historic District. Any future exterior modifications or new construction 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.