



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-3627

**Type:** Zoning Case

**In control:** City Council A Session

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

**Title:** ZONING CASE Z-2020-10700057 (Council District 2): Ordinance amending the Zoning District Boundary from "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District to "IDZ-1 AHOD" Limited Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted for a Professional Office and one (1) residential unit on Lot 3, Block 5, NCB 1298, located at 1810 North Interstate 35. Staff recommends Denial. Zoning Commission recommends Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Site Plan, 3. Ground Plan Comparison Form, 4. Draft Ordinance, 5. Zoning Minutes

| Date | Ver. | Action By | Action | Result |
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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z-2020-10700057

**SUMMARY:**

**Current Zoning:** "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** "IDZ-1 AHOD" Low Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted for a Professional Office and one (1) dwelling unit

**BACKGROUND INFORMATION:**

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

**Case Manager:** Michael Pepe, Planner

**Property Owner:** REITHE, LLC

**Applicant:** Randal McLeaird

**Representative:** Randal McLeaird

**Location:** 1810 North IH 35

**Legal Description:** Lot 3, Block 5, NCB 1298

**Total Acreage:** 0.1755

**Notices Mailed**

**Owners of Property within 200 feet:** 24

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

**Applicable Agencies:** Texas Department of Transportation

**Property Details**

**Property History:** The subject property was part of the original 36 square miles of the City of San Antonio and was originally zoned as “D” Apartment District. The property was rezoned to “R-5” Single Family Residential District by Ordinance 70785, dated December 14, 1989. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned “R-5” converted to “R-5” Single-Family 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:** “UZROW”

**Current Land Uses:** Interstate 35

**Direction:** East

**Current Base Zoning:** “R-5”

**Current Land Uses:** Single-Family Dwelling

**Direction:** South

**Current Base Zoning:** “R-5”

**Current Land Uses:** Single-Family Dwelling

**Direction:** West

**Current Base Zoning:** “R-5”

**Current Land Uses:** Single-Family 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.

**Transportation**

**Thoroughfare:** North Interstate 35

**Existing Character:** Interstate Highway

**Proposed Changes:** None Known

**Public Transit:** VIA bus routes are within walking distance of the subject property. Routes served: 20

**Traffic Impact:** A Traffic Impact Analysis (TIA) cannot be determined at this time.

**Parking Information:** The parking requirement for a single family dwelling is 1 space per unit. The minimum parking requirements for an office is 1 parking space per 300 sf of gross floor area. However, “IDZ-1” waives parking requirements.

**ISSUE:**

None.

**ALTERNATIVES:**

Current: R-5 districts allow a Single-family dwelling (detached) with a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, public and private schools.

Proposed: IDZ-1 Districts allow rezoning requests up to 18 units per acre, and uses permitted in “C-1” and “O-1”. All approved uses must be requested and stated within the ordinance. Provide flexible standards for setbacks and parking for the development and reuse of underutilized parcels within a qualifying area of the city.

If approved, the zoning would allow a residential unit and a professional office.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center but it is within Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial. Zoning Commission (9-2) 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 Government Hill Neighborhood Plan and is currently designated as “Mixed Use” in the future land use component of the plan. The requested “IDZ-1” zoning is consistent with the future land use designation.

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

Staff does find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The entire block is zoned residential single-family and has established homes. Although IH-35 North is a highway and commercial corridor, this particular block has remained untouched by commercial development.

**3. Suitability as Presently Zoned:**

The current “R-5” Residential Single-Family is appropriate for the property. The proposed “IDZ-1” is completely out of character with this area introduces commercial encroachment into an established single-family residential block.

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

Staff has found indication of likely adverse effects on the public health, safety, or welfare. Although the applicant proposes to keep the residential use the proposed "IDZ-1" is an encroachment of a commercial use into an established residential single-family neighborhood.

**5. Public Policy:**

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

**Plan Goals:**

Goal: Conserve, rehabilitate and/or replace (if necessary) housing stock.

Objective: To develop a housing preservation strategy to stabilize and improve the real estate values.

**6. Size of Tract:**

The subject property is 0.1755 acres, which could reasonably accommodate the existing residence and a professional office.

**7. Other Factors:**

The subject property is located within the Fort Sam Houston Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JBSA was notified of the proposed request.

The applicant could seek "R-5 CD" to maintain the base residential district with a Conditional Use for a Professional Office. However, this too would introduce commercial activity in a residential area. This in turn, could create additional future commercial trends in the area.