



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-5866

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 12/7/2017

**Title:** ZONING CASE # Z2017239 (Council District 2): An Ordinance amending the Zoning District Boundary from "C-3 H AHOD" Commercial Dignowity Hill Historic Airport Hazard Overlay District to "IDZ H AHOD" Infill Development Zone Dignowity Hill Historic Airport Hazard Overlay District with residential uses not to exceed 36 units per acre on 0.1846 acres out of NCB 590, located at 120 North Cherry Street and 122 North Cherry Street. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Metes & Bounds, 6. Ordinance 2017-12-07-0953

Date	Ver.	Action By	Action	Result
12/7/2017	1	City Council A Session	Motion to Approve	

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2017239

**SUMMARY:**

**Current Zoning:** "C-3 H AHOD" Commercial Dignowity Hill Historic Airport Hazard Overlay District

**Requested Zoning:** "IDZ H AHOD" Infill Development Zone Dignowity Hill Historic Airport Hazard Overlay District with residential uses not to exceed 36 units per acre

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 17, 2017. This case is continued from September 19, 2017 and October 3, 2017.

**Case Manager:** Angela Cardona, Planner

**Property Owner:** K/T TX Holdings, LLC

**Applicant:** Terramark Urban Homes

**Representative:** John Cooley

**Location:** 120 North Cherry Street and 122 North Cherry Street

**Legal Description:** 0.1846 acres out of NCB 590

**Total Acreage:** 0.1846

**Notices Mailed**

**Owners of Property within 200 feet:** 15

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

**Applicable Agencies:** Planning Department

**Property Details**

**Property History:** The subject properties are located within the original 36 square miles established in 1938 and were zoned “J” Commercial District. Upon the adoption of the 1965 Unified Development Code, the property converted to “I-1” Light Industrial District. On December 14, 1999, the properties were part of a City-initiated rezoning case and converted to “B-3” Business District (Ordinance 70785) and were then converted to the current “C-3” General Commercial District upon adoption of the Unified Development Code on May 3, 2001 (Ordinance 93881).

**Topography:** The property does not include any abnormal physical features such as slope or inclusion in a flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** “IDZ”, “C-3”

**Current Land Uses:** Vacant Lots, Funeral Home

**Direction:** West

**Current Base Zoning:** “D”

**Current Land Uses:** Vacant Lots

**Direction:** South

**Current Base Zoning:** “AE-1”

**Current Land Uses:** Vacant Commercial Storage

**Direction:** East

**Current Base Zoning:** “IDZ”, “RM-4”

**Current Land Uses:** Vacant Lots, Single-Family Housing

**Overlay and Special District Information:**

The subject property is located within the “AHOD” Airport Hazard Overlay District. The “AHOD” does not restrict permitted uses, but may require additional review by both the Federal Aviation Administration and Development Services Department.

The surrounding properties are located in the Dignowity Hill Historic District, which was adopted in December 3, 2009. 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 Cherry Street

**Existing Character:** Collector Street

**Proposed Changes:** None Known

**Thoroughfare:** Center Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** North Swiss Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Public Transit:** The nearest VIA bus routes are #25, #28 and #230 and are within walking distance of the subject property.

**Traffic Impact:** A Traffic Impact Analysis is not required. Infill Development Zone (IDZ) requests are exempt from the TIA requirement.

**Parking Information:** Parking requirements are determined by use: Multi-Family Minimum vehicle spaces: 1.5 per unit and Maximum vehicle spaces: 2 per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation. The current zoning “C-3” General Commercial District allows for more intensive commercial uses than those located within the “NC”, “C-1” or “C-2” zoning districts. General Commercial uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses: bar/tavern & nightclub, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market, home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display is permitted in areas which are screened as provided in 35-510 of the Unified Development Code.

**FISCAL IMPACT:**

None.

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

The subject property is within one half mile of the Downtown Regional Center and within one half mile of the Commerce-Houston Transit Corridor and Near Eastside Corridor Buffer.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (10-0) 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 Mixed Use” in the future land use component of the plan. The proposed use is consistent with the Dignowity Hill Neighborhood Plan.

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

Staff finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change because the request is consistent with the immediate surrounding properties for residential dwelling uses.

**3. Suitability as Presently Zoned:**

The current “C-3” base zoning district is inappropriate for the subject property’s location as it is currently surrounded by residential uses.

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

Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

**5. Public Policy:**

Relevant Goals and Policies of the Comprehensive Plan may include:

GCF Goal 1: Higher-density uses are focused within the city’s 13 regional centers and along its arterial and transit corridors.

GCF Goal 4: Sustainable infill and mixed-use development provide walkable and bikeable destinations for all residents.

GCF Goal 6: Growth and city form support community health and wellness.

GCF P1: Incentivize the development of housing and employment uses in the city’s priority growth areas.

GCF P9: Allow higher-density and mixed uses in portions of, or adjacent to, single-family residential areas to encourage shopping, services and entertainment amenities in close proximity to housing and where appropriate.

GCF A11: Develop transit supportive land use designations and zoning and apply it to VIAs priority high capacity transit stations and stops, both existing and proposed.

H Goal 2: A variety of housing types (single-family detached, single-family attached, multifamily, as well as ownership and rental opportunities) is available at a variety of price and rent levels.

H Goal 3: Housing choices are available in walkable and bikeable neighborhoods located near transit, employment, retail, medical and recreational amenities.

H Goal 5: High-density housing choices are available within the city’s 13 regional centers and along its arterial and transit corridors.

H Goal 6: Infill development and revitalized neighborhoods provide a range of housing choices near the city center.

H P11: Encourage and incentivize new housing development projects to provide a mixture of housing types, sizes and prices.

H P23: Work with VIA Metropolitan Transit to develop high-capacity and high-frequency transit options that support higher-density housing.

H P30: Ensure infill development is compatible with existing neighborhoods.

H P42: Encourage the development of housing for seniors in walkable areas and near community amenities such as parks, recreation centers and senior centers.

CHW A2: Implement Complete Neighborhoods as measured by good access to schools, parks, grocery stores, sidewalks and transit.

The application for additional housing units within one-half mile of SA Tomorrow corridors is consistent with the SA Tomorrow Comprehensive Plan.

The application is also consistent with some elements of the Dignowity Hill Neighborhood Plan. The plan states it is the goal to “Coordinate and integrate development of a mix of neighborhood businesses that serve the immediate residents in the vicinity and establish housing options with diverse age and density that are walkable and secure.” Multiple goals specifically address housing.

Goal 8: Increase homeownership through infill development and housing rehabilitation

Goal 9: Well maintained and diverse housing stock

As the property is within the Dignowity Hill Historic District, special care should be given to seamlessly incorporating the new construction with the character of the neighborhood, following the Office of Historic Preservation’s guidelines. In conclusion, the proposed zoning request would be in accordance with the SA Tomorrow Comprehensive Plan.

## **6. Size of Tract:**

The subject property totals 0.1846 acres in size, which should reasonably accommodate the proposed development.

## **7. Other Factors:**

Infill Development Zone (IDZ) provides flexible standards for developments. IDZ is to encourage and facilitate development on vacant, bypassed lands, or the redevelopment of underutilized buildings of structures, within existing built-up areas. IDZ may be approved as either a base zoning district or an overlay zoning district. Standards required in an IDZ district shall apply to either IDZ base zoning or the IDZ overlay district except where otherwise specifically stated. Typically IDZ gives flexibility to parking requirements, lots sizes, and setbacks.

The proposed dwelling units are not to exceed 36 units per acre resulting in 7 units total.

Additionally, the applicant’s request for IDZ based on the following criteria:

- The Master Plan’s Policy for Growth Management - Policy 1g, because it makes physical improvements on an inner city property encouraging redevelopment and infill development.

- The Master Plan's Policy for Economic Development - Goal 4, because it targets an area within Loop 410 and the southern sector.
  
- The Master Plan's Policy for Neighborhoods - Policy 1a, because it rezones vacant or underutilized property in and around neighborhoods to encourage redevelopment that is compatible in use and intensity with the existing neighborhood.