



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-5745

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 10/6/2020

**Title:** ZONING CASE Z-2020-10700201 (Council District 2): A request for a change in zoning from "RM-6 H AHOD" Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District to "RM-4 H AHOD" Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District on Lot 1, Block G, NCB 1659, located at 732 North Pine Street. Staff recommends Denial. (Lorianne Thennes, Planner, (210) 207-7945, lorianne.thennes@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2020-10700201

**SUMMARY:**

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

**Requested Zoning:** "RM-4 H AHOD" Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 6, 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 “RM-4” 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.

**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 recommends Denial.

**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 “RM-4” is consistent with the future land use designation.

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

Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed density is higher than the established density in the area, making it uncharacteristic of the neighborhood.

**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 the requested “RM-4” to the current “RM-6” in 2012.

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

Staff has found indication of likely adverse effects on the public health, safety, or welfare. Allowing for up to four (4) units on this property would not be consistent with the established land uses and densities of 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.”

The subject property is located within four blocks of the planned VIA Advanced Rapid Transit Corridor on Houston Street, Dignowity and Lockwood Parks, the Downtown Area Regional Center, and several community assets such as the Ella Austin Community Center. The subject property has or appeared as of 2019 to have a duplex dwelling and another single-family dwelling. Nearby lots appear to include single-family, duplex, and triplex residential uses in 1.5 to 2.5 story buildings. Lots adjacent and across the street are zoned R-6, RM-6, and RM-5. Surrounding blocks include some examples of RM-4 zoning. The future land use category for adjacent and nearby lots is Low Density Residential, a category defined in the neighborhood plan as supporting RM-4 zoning.

**6. Size of Tract:**

The subject property is 0.2207 acres, which could reasonably accommodate four (4) 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.