



# City of San Antonio

## Agenda Memorandum

**File Number:**13-598

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**Agenda Item Number:** Z-10.

**Agenda Date:** 11/7/2013

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 10

**SUBJECT:**

Zoning Case Z2013171

**SUMMARY:**

**Current Zoning:** "O-2 AHOD" High-Rise Office Airport Hazard Overlay District and "O-2 MC-3 AHOD" High-Rise Office Austin Highway/Harry Wurzbach Metropolitan Corridor Overlay Airport Hazard Overlay District

**Requested Zoning:** "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with Single-Family Residential uses not to exceed 25 units per acre and "IDZ MC-3 AHOD" Infill Development Zone Austin Highway/Harry Wurzbach Metropolitan Corridor Overlay Airport Hazard Overlay District with Single-Family Residential uses not to exceed 25 units per acre

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 17, 2013

**Case Manager:** Pedro Vega, Planner

**Property Owner:** Village at Oakwell Farms, Ltd. (by Bakke Development Corp., General Partner, by Phillip P. Bakke, President)

**Applicant:** Phillip P. Bakke

**Representative:** Brown & Ortiz, P. C. (James Griffin)

**Location:** A portion of the 3800 Block of Harry Wurzbach Road

**Legal Description:** Lot 13, Block 10, NCB 11851

**Total Acreage:** 2.308

## **Notices Mailed**

**Owners of Property within 200 feet:** 22

**Neighborhood Associations:** Oak Park-Northwood Neighborhood Association

**Planning Team Members:** 34 - Northeast Inner Loop Neighborhood Plan

**Applicable Agencies:** City of San Antonio Aviation Department

## **Property Details**

**Property History:** The subject property was annexed in September of 1952, and was originally zoned "E" Office District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "O-2" High-Rise Office District. The property was platted into its current configuration in 2013 (Volume 9655, Page 217-222 Deed Records of Bexar County, Texas) and is undeveloped.

The subject property has registered Development Preservation Rights (DPR) that allow the reconstruction of multi-family dwellings with a maximum density of 47 units per acre. The subject property also has registered Reserved Uses, that includes a wide range of retail and commercial uses that would not otherwise be permitted by-right in the "O-2" district. Approval of the requested rezoning will nullify the previous DPR and Reserved Use registrations for the subject property.

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

## **Adjacent Zoning and Land Uses**

**Direction:** West

**Current Base Zoning:** "NP-8"

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

**Direction:** North

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

**Current Land Uses:** Church/School

**Direction:** East

**Current Base Zoning:** "C-2" and "C-3"

**Current Land Uses:** Vacant Land

**Direction:** South

**Current Base Zoning:** "O-2"

**Current Land Uses:** Vacant Land

**Overlay and Special District Information:** 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.

Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay District (MC-3) - an overlay district with site and building design standards developed through a community based process. The site and building design standards included with this overlay district were developed to: ensure that the individual actions of property owners contribute to the overall appearance and function of the Corridor; complement and serve the surrounding established neighborhoods; ensure the preservation of this historic corridor; and provide for a fair and objective review process for new development projects.

## **Transportation**

**Thoroughfare:** Harry Wurzbach Road

**Existing Character:** Secondary Arterial Type A; 2 lanes in each direction with center turn lanes, center medians, and sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Urban Crest Road and Robin Rest Drive

**Existing Character:** Local Street; one lane in each direction with sidewalks

**Proposed Changes:** None known

**Public Transit:** The VIA bus line number 509, operates along Harry Wurzbach Road, with multiple stops.

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

**Parking Information:** Dwelling - 1Family - Minimum Parking Requirement: 1 per unit. Maximum Parking Requirement: N/A.

Infill Development Zone waives off-street parking requirements.

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of this zoning request would result in the subject property retaining the current high-rise office zoning classification, prohibiting the proposed Infill Development Zone with single-family residential uses.

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**RECOMMENDATION:**

Staff and Zoning Commission (8-0) recommend approval, pending plan amendment.

**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 Northeast Inner Loop Neighborhood Plan and is designated as High Density Residential in the future land use component of the plan. The requested “IDZ” base zoning district is not consistent with the adopted land use designation. A plan amendment has been initiated, requesting to change the land use designation to Medium Density Mixed Use. Staff and Planning Commission recommend approval of the plan amendment.

Medium Density Mixed Use allows for a concentrated, well structured and integrated blend of higher density residential, retail, professional services, office, entertainment and other land uses. The rezoning request limits the use of the subject property to single-family residential uses, while proposing small lot sizes and higher density.

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

Staff has found no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The “IDZ” zoning district is meant to provide flexible standards for the development and reuse of underutilized parcels. Rezoning this property to “IDZ” will encourage and promote the revitalization goals of the Future Land Use Plan.

### **3. Suitability as Presently Zoned:**

The adopted Northeast Inner Loop Neighborhood Plan identifies the subject property as High Density Residential in the Future Land Use component of the plan. The existing “O-2” zoning district is not consistent with the adopted land use plan. The “O-2” district is meant to accommodate high-rise offices buildings with multiple tenants offering a wide range of services.

The requested zoning and proposed development would serve as an appropriate transition between the established, large-lot residential neighborhood located to the west and the arterial thoroughfare located to the east. Higher-density residential uses are most appropriately located at the periphery of low-density neighborhoods and along arterial thoroughfares. Other small-lot single-family and townhome developments exist to the south along both sides of Harry Wurzbach.

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

Staff has found no indication of likely adverse effects on the public health, safety, or welfare. The “IDZ” district is meant to encourage and facilitate development on vacant, bypassed lands, or the redevelopment of underutilized buildings or structures, within existing built-up areas. The requested zoning would preserve the existing character of single-family uses in the neighborhood and promote redevelopment.

### **5. Public Policy:**

The Northeast Inner Loop Neighborhood Plan was adopted in 2001 and updated in 2008. The plan was adopted as components of the City’s Comprehensive Master Plan.

Objective 1.1: Housing Character and Development - Maintain the distinctive character of the neighborhoods housing. Build upon the diversity of old and new existing housing that includes single-family as well as multi-family (condos, townhomes, duplexes and small apartments).

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

The subject property is 2.308 acres and appears to be of sufficient size to accommodate the proposed development with the flexibility offered by the “IDZ” district, as shown on the requisite site plan.

### **7. Other Factors:**

Staff finds this request reasonable and beneficial for the Northeast Inner Loop community area. The request to develop this site with single-family lots is consistent with the goals and objectives in the Northeast Inner Loop Neighborhood Plan.