



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-4995

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 10/6/2016

**Title:** ZONING CASE # Z2016218 CD (Council District 2): An Ordinance amending the Zoning District Boundary from "R-6 H AHOD" Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District to "R-6 CD IDZ H AHOD" Residential Single-Family Infill Development Overlay Zone Dignowity Hill Historic Airport Hazard Overlay District with Conditional Use for Professional Office on 0.169 acres out of NCB 537, located at 724 North Cherry Street. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z2016-218\_Site Plan, 2. Z2016218 CD Minutes, 3. Z2016-218 Location Map, 4. Draft Ordinance.pdf, 5. Ordinance 2016-10-06-0777

Date	Ver.	Action By	Action	Result
10/6/2016	1	City Council A Session	Motion to Approve	

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2016218 CD

**SUMMARY:**

**Current Zoning:** "R-6 H AHOD" Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District

**Requested Zoning:** R-6 CD IDZ H AHOD" Residential Single-Family Infill Development Overlay Zone Dignowity Hill Historic Airport Hazard Overlay District with a Conditional Use for Professional Office

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 6, 2016

**Case Manager:** Mary Morales-Gonzales, Planner

**Property Owner:** JB Garcia, LLC

**Applicant:** Juan Garcia and Barbara Garcia

**Representative:** Daniel Diaz

**Location:** 724 North Cherry Street

**Legal Description:** 0.169 acres out of NCB 537

**Total Acreage:** 0.169

**Notices Mailed**

**Owners of Property within 200 feet:** 23

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

**Applicable Agencies:** Office of Historic Preservation

**Property Details**

**Property History:** The property was part of the original City of San Antonio boundaries in 1938. The property was originally zoned “B-2” Commercial District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to “C-2” Commercial District. A 2012 city-initiated zoning case changed the zoning to the current “R-6” Residential Single-Family District base zoning (Ordinance 2012-12-06-0953).

**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:** R-6, R-5, RM-4, RM-6,

**Current Land Uses:** Single-Family Residences, Duplex, Apartments

**Direction:** South

**Current Base Zoning:** NC, IDZ, R-6

**Current Land Uses:** Offices, Residential Units

**Direction:** East

**Current Base Zoning:** R-6

**Current Land Uses:** Residential Units

**Direction:** West

**Current Base Zoning:** D

**Current Land Uses:** Lumber Business, 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.

The surrounding properties are located in the Dignowity Historic District, which was adopted in 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 Cherry Street

**Existing Character:** Local Street

**Proposed Changes:** None known

**Public Transit:** VIA bus route #22 travels along Hays Street to the south of the property with the nearest stop at Nolan Street and North Cherry Street.

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required. Infill Development (IDZ) is exempt from TIA requirements.

**Parking Information:** The “IDZ” Infill Development Zone District eliminates off street vehicle parking requirements.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the zoning request will result in the subject property retaining the “R-6” Residential Single-Family District base zoning.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (8-0) 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 Dignowity Hill Neighborhood Plan and is currently designated as Low Density Mixed Use in the future land use component of the plan. The zoning request of “R-6” with a Conditional Use for a Professional Office is consistent with the current future land use classification.

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

Staff finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request.

**3. Suitability as Presently Zoned:**

The current “R-6” zoning is an appropriate zoning classification given the character of the area surrounding the subject parcel.

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

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

**5. Public Policy:**

The proposed rezoning request meets Objective 1.4.3 of the Dignowity Hill Plan which seeks to preserve the small town feeling of the neighborhood commercial areas by encouraging neighborhood friendly businesses

within walking distance of residences.

**6. Size of Tract:**

The subject property is of sufficient size to accommodate the proposed use.

**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 or 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 conditional zoning procedure is designed to provide for a land use within an area 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.

The following conditions shall apply to the operation of nonresidential conditional uses permitted within any residential district, unless otherwise approved by the city council.

- A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- B. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
- C. Business or office hours of operation shall not be permitted before 7:00 a.m. or after 6:00 p.m.