



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-1306

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 2/21/2019

**Title:** ZONING CASE # Z-2018-900014 (Council District 2): Ordinance amending the Zoning District Boundary from "R-5 H AHOD" Residential Single-Family Government Hill Historic Airport Hazard Overlay District to "IDZ H AHOD" Infill Development Zone Government Hill Historic Airport Hazard Overlay District for 10 Residential Units on 0.411 acres out of NCB 1276, located at 1943 Interstate 35 North. Staff recommends Denial with an Alternate Recommendation, pending Plan Amendment. Zoning Commission recommends Approval. (Associated Plan Amendment 2018-900003)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Metes and Bounds, 6. Ordinance 2019-02-21-0157

Date	Ver.	Action By	Action	Result
2/21/2019	1	City Council A Session	Motion to Approve	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z-2018-900014  
(Associated Plan Amendment 2018-900003)

**SUMMARY:**

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

**Requested Zoning:** "IDZ H AHOD" Infill Development Zone Government Hill Historic Airport Hazard Overlay District for 10 Residential units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 4, 2018

**Case Manager:** Nyliah Acosta, Planner

**Property Owner:** Anaxor Investments LLC & Gilley Properties International LLC

**Applicant:** Gilley Mendoza

**Representative:** Brown & Ortiz, P.C.

**Location:** 1943 Interstate 35 North

**Legal Description:** 0.411 acres out of NCB 1276

**Total Acreage:** 0.411

**Notices Mailed**

**Owners of Property within 200 feet:** 26

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

**Applicable Agencies:** Office of Historic Preservation, Texas Department of Transportation, Fort Sam

**Property Details**

**Property History:** The subject property is a part of the original 36 square miles of the City of San Antonio and was zoned "D" Apartment District. Ordinance 43551 rezoned the property "B-2" Business District in 1974. Upon the adoption of the 2001 Unified Development Code the previous "B-2" converted to "C-2" Commercial District, and in 2011 Ordinance 2010-11-04-0971 rezoned the property to the current "R-5" Residential Single-Family Residential District.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** R-5

**Current Land Uses:** Single-Family Residential, Vacant Lot

**Direction:** East

**Current Base Zoning:** R-5

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

**Direction:** South

**Current Base Zoning:** UZROW

**Current Land Uses:** Highway

**Direction:** West

**Current Base Zoning:** R-5

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

**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.

**Transportation**

**Thoroughfare:** North Palmetto Street

**Existing Character:** Local Road

**Proposed Changes:** None Known

**Thoroughfare:** Gloucester Street

**Existing Character:** Local Road

**Proposed Changes:** None Known

**Thoroughfare:** IH 35 N

**Existing Character:** Freeway

**Proposed Changes:** None Known

**Public Transit:** VIA route 20 is 3 block north of the subject property.

**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 “IDZ” Infill Development Zone District waives off-street vehicle parking requirements.

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the current base zoning district. 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 are allowed in the “R-5”.

**FISCAL IMPACT:**

None.

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

The subject property is not within a Regional Center, but is within half a mile of the New Braunfels Metro Premium Plus Route.

**Staff Analysis and Recommendation:** Staff recommends Denial with Alternate Recommendation of appropriate density consistent with the Historic Design Guidelines, pending Plan Amendment. Zoning Commission (6-4) recommends Approval.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

**1. Consistency:**

The property is located within the Government Hill Community Plan, and is currently designated as “Low Density Residential” in the future land use component of the plan. The requested “IDZ” Infill Development Zone base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to change the future land use from “Low Density Residential” to “Low Density Mixed Use”. Staff recommends Approval, pending the Planning Commission hearing on December 19, 2018.

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

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

The applicant proposes to develop the lot for ten residential units. In addition, the applicant is encouraged to go before Historic Design Review Commission and receive conceptual approval to ensure the scale and design of the development is within keeping of the surrounding area. Furthermore it is a goal within the Government Hill Neighborhood Plan to redevelop and revitalize the neighborhood.

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

The current “R-5” base zoning district is appropriate for the subject property’s location; however, the requested “IDZ” is a residential use as well.

### **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 rezoning request as submitted is not consistent with the Historic Design Guidelines.

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

The subject property totals 0.411 acres in size, which reasonably accommodates the uses permitted in “IDZ” Infill Development Zone District.

### **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 applicant’s request meets 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.
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- The applicant’s request 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

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.

Historic District: Government Hill

This property is located within the Government Hill Historic District. Any new construction will require approval from 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 submitted site plan, there are several conflicts with the Historic Design Guidelines and the proposed project. Office of Historic Preservation staff has reviewed the site

plan submitted as part of the Zoning Commission application and finds that the site plan features many elements that are inconsistent with the Historic Design Guidelines and inappropriate for the Government Hill Historic District. The proposed entrance orientation, lack of separation between structures, building to lot ratio, carport and driveway locations and setbacks are all inconsistent with the Guidelines and would not receive a recommendation of approval from OHP staff.

Per the Guidelines for New Construction, new construction should feature the following:

## **1. Building and Entrance Orientation**

### **A. FAÇADE ORIENTATION**

- i. *Setbacks-Align front facades of new buildings with front facades of adjacent buildings where a consistent setback has been established along the street frontage. Use the median setback of buildings along the street frontage where a variety of setbacks exist. Refer to UDC Article 3, Division 2. Base Zoning Districts for applicable setback requirements.*
- ii. *Orientation-Orient the front façade of new buildings to be consistent with the predominant orientation of historic buildings along the street frontage.*

### **B. ENTRANCES**

- *Orientation-Orient primary building entrances, porches, and landings to be consistent with those historically found along the street frontage. Typically, historic building entrances are oriented towards the primary street.*

## **2. Building Massing and Form**

### **D. LOT COVERAGE**

- *Building to lot ratio- New construction should be consistent with adjacent historic buildings in terms of the building to lot ratio. Limit the building footprint for new construction to no more than 50 percent of the total lot area, unless adjacent historic buildings establish a precedent with a greater building to lot ratio.*

OHP staff encourages the applicant to submit an HDRC Application for conceptual approval prior to proceeding with a zoning change request.