



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 19, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 2

**SUBJECT:**  
ZONING CASE Z-2023-10700270

**SUMMARY:**  
**Current Zoning:** “C-2 AHOD” Commercial Airport Hazard Overlay District

**Requested Zoning:** “IDZ-2 AHOD” Medium Intensity Infill Development Airport Hazard Overlay District with uses permitted for four (4) dwelling units

**BACKGROUND INFORMATION:**  
**Zoning Commission Hearing Date:** December 19, 2023

**Case Manager:** Forrest Wilson, Principal Planner

**Property Owner:** Richard Gonzalez

**Applicant:** Alejandro Cruz

**Representative:** Alejandro Cruz

**Location:** 1614 North Interstate 35

**Legal Description:** Lot 4, the northern half of Block 2, NCB 495

**Total Acreage:** 0.0888 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 17

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

**Applicable Agencies:** Fort Sam Houston, Planning Department

### **Property Details**

**Property History:** The subject property was part of the original 36 square miles of the City of San Antonio and originally zoned "C" Apartment District. The property was rezoned by Ordinance 70785, dated December 14, 1989 to "B-3R" Restrictive Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001 the property zoned "B-3R" Restrictive Business District converted to "C-3R" General Commercial Restrictive Alcoholic Sales District. The property was rezoned by Ordinance 2010-11-04-0971, dated November 4, 2010, to "C-2" Commercial District.

### **Code & Permitting Details:**

There is no code enforcement or permitting history for the subject property.

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

### **Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "UZROW"

**Current Land Uses:** Highway

**Direction:** East

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

**Current Land Uses:** Single-Family

**Direction:** South

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

**Current Land Uses:** Single-Family

**Direction:** West

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

**Current Land Uses:** Single-Family

### **Overlay District Information:**

The "AHOD" Airport Hazard Overlay District, due to the location of the property and its proximity to an airport or approach path, does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

**Special District Information:**

The Infill Development Zone (IDZ) District provides flexible standards for developments. IDZ may be approved as either a base zoning district or an overlay zoning district. Typically, IDZ gives flexibility to parking requirements, lots sizes, and setbacks.

**Transportation**

**Thoroughfare:** North Interstate 35

**Existing Character:** Highway

**Proposed Changes:** None known

**Thoroughfare:** Olive Street

**Existing Character:** Local

**Proposed Changes:** None known

**Public Transit:** VIA bus stops are not within walking distance of the subject property.

**Traffic Impact:** The traffic generated by the proposed development does not exceed the threshold requirements. Development generates less than seventy-six (76) PHT Sec. 35-502. A TIA Report is Not Required.

**Parking Information:** "IDZ" reduces the minimum parking requirement by fifty percent. The minimum parking requirement is 1.5 spaces per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current Zoning:** The "C-2" Commercial Districts accommodate community commercial uses, with unlimited building size, and building height limitation of 25 feet. Examples of permitted uses: liquor store, miniature golf and other indoor gaming facilities, small indoor movie theater, pet cemetery, auto & light truck oil, lube & tune-up, auto glass tinting, tire repair (sale and installation only), gas station, appliance sales & repair, charitable food & clothing banks and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining.

**Proposed Zoning:** "IDZ-2" Medium Intensity Infill Development Zone allows rezoning requests up to 50 units per acre, and uses permitted in "C-2" and "O-1.5". All approved uses must be requested and stated within the ordinance. Provide flexible standards for setbacks and parking for the development and reuse of underutilized parcels within a qualifying area of the city.

The zoning request is for four (4) dwelling units.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center, but it is within half a mile from the Austin Highway Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval

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

1. **Consistency:** The subject property is located within the Government Hill Neighborhood Plan, adopted in 2001 and updated in 2010, and is currently designated as “Mixed Use” in the future land use component of the plan. The requested “IDZ-2” Medium Intensity Infill Development Zone with uses permitted for four (4) dwelling units is consistent with the future land use designation.
2. **Adverse Impacts on Neighboring Lands:** Staff does not find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is consistent with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The existing “C-2” Commercial District is an appropriate zoning for the property and surrounding area. The proposed “IDZ-2” Medium Intensity Infill Development Zone is also appropriate for the area. The subject property is in a residential area comprised predominantly of single-family properties. Infill development, characterized by the strategic use of available space within existing urban areas, offers a host of benefits, particularly when incorporating a mix of housing options. Additionally, the proposal aligns with the goals of the Strategic Housing Implementation Plan by providing additional housing stock to accommodate the City’s growing population.
4. **Health, Safety and Welfare:** Staff has not found indication of likely adverse effects on the public health, safety, or welfare.
5. **Public Policy:** The request does not appear to conflict with any public policy. Relevant Goals and Policies of the Comprehensive Plan may include:
  - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
  - GCF Policy 8: Continue to focus on the revitalization of neighborhoods adjacent to downtown and extend these efforts to regional centers, urban centers and transit corridors.
  - Housing 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.
  - Housing Goal 3: Housing choices are available in walkable and bikeable neighborhoods located near transit, employment, retail, medical, and recreational amenities.
  - Housing Goal 6: Infill development and revitalized neighborhoods provide a range of housing choices near the city center.
  - Housing Policy 30: Ensure infill development is compatible with existing neighborhoods.

Relevant Goals, Objectives and Strategies of the Government Hill Neighborhood Plan may include:

- Goal: Redevelop and revitalize the neighborhood.
- Objective: To encourage and support any revitalization and redevelopment efforts consistent with this plan.

6. **Size of Tract:** The 0.0888 acre site is of sufficient size to accommodate the proposed development.
7. **Other Factors:** The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential uses. The applicant is requesting to build four (4) dwelling units.

The subject property is located within the Fort Sam Houston Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JB SA was notified of the proposed request. The Military has indicated that there are no objections to this request.

The proposed rezoning is seeking additional density for use as residential dwelling units. A rezoning application does not allow Short Term Rentals (STRs) as a use by right. Any applicant seeking to operate an STR must follow the appropriate City and Unified Development Code (UDC) processes and is required to apply and qualify for STR permit(s) through those processes. Short Term Rentals are governed by the UDC Section 16.1100. Also see Section 35-374.01 for STR density limitations, Section 35-399 for establishment regulations, and Section 35-482 for procedures regarding consideration of special exceptions.