



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 15, 2022

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**  
ZONING CASE Z-2022-10700299

**SUMMARY:**

**Current Zoning:** "RM-4 CD NCD-1 AHOD" Residential Mixed South Presa/South St. Mary's Streets Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for Multi-Family Dwellings not to exceed eleven (11) dwelling units per acre or a total of two (2) dwelling units

**Requested Zoning:** "IDZ-1 NCD-1 AHOD" Limited Intensity Infill Development Zone South Presa/South St. Mary's Streets Neighborhood Conservation Airport Hazard Overlay District with uses permitted for two (2) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 15, 2022

**Case Manager:** Elizabeth Steward, Planner

**Property Owner:** Imperative Holding LLC

**Applicant:** Imperative Holding LLC

**Representative:** Patrick Christensen, PC

**Location:** 110 Biering Avenue

**Legal Description:** Lot 19, the west 10.08 feet of Lot 20, and Lot 21, Block S, NCB 3078

**Total Acreage:** 0.1941

**Notices Mailed**

**Owners of Property within 200 feet:** 46

**Registered Neighborhood Associations within 200 feet:** Lavaca Neighborhood

**Applicable Agencies:** Planning Department

**Property Details**

**Property History:** The subject property was located within the original 36 square miles of the City of San Antonio and zoned "D" Apartment District. The property was rezoned by Ordinance 74924, dated December 9, 1991 to "R-2" Two-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-2" Two-Family Residence District converted to the current "RM-4" Residential Mixed District. The property was rezoned by Ordinance 2008-06-19-0621, dated June 19, 2008 to "RM-4 CD" Residential Mixed District with Conditional Use for Multi-Family Dwellings not exceeding 11 units per acre or a total of 2 units.

**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:** RM-4

**Current Land Uses:** Duplex

**Direction:** South

**Current Base Zoning:** IDZ

**Current Land Uses:** Apartments

**Direction:** East

**Current Base Zoning:** C-3 NA

**Current Land Uses:** Convenience Store

**Direction:** West

**Current Base Zoning:** RM-4

**Current Land Uses:** Residential Dwelling

**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. The South Presa/South St. Mary's Streets Neighborhood Conservation District (NCD-1) is an overlay zoning district that contains design guidelines for rehabilitation of existing residential and commercial development. Property owners, together with the Department of

Planning and Community Development staff, develop the design guidelines. These guidelines can address building materials, height, size, massing, signage, sidewalk location, etc. A zoning review is performed by the Zoning Section of the Development Services Department.

**Special District Information:** N/A

**Transportation**

**Thoroughfare:** Biering Avenue

**Existing Character:** Local

**Proposed Changes:** None Known

**Public Transit:** There is public transit within walking distance of the subject property.  
Routes served: 36, 34, 42, 242

**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:** The minimum parking for a multi-family unit is 1.5 spaces per unit. "IDZ-1" waives the minimum parking requirement.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "RM-4" allows single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 4,000 square feet and a minimum lot width of 15 feet, public and private schools.

The "CD" Conditional Use allows for Multi-Family Dwellings not exceeding Eleven (11) Dwelling Units per Acre or a total of Two (2) Dwelling Units.

Proposed Zoning: "IDZ-1" Limited Intensity Infill Development Zone allows rezoning requests up to 18 units per acre, and uses permitted in "C-1" and "O-1". 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 "IDZ-1" would allow two (2) dwelling units and waives parking requirements.

**FISCAL IMPACT:**

None.

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

Subject property is located with the Downtown Regional Center but is not within ½ a mile from a Premium Transit Corridor.

## **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend 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 Downtown Area Regional Center Plan and is currently designated as “Medium Density Residential” in the future land use component of the plan. The requested “IDZ-1” base zoning district 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 “RM-4 CD” Residential Mixed District with Conditional Use for Multi-Family Dwellings not exceeding eleven (11) dwelling units per Acre or a total of two (2) dwelling units is an appropriate zoning for the property and surrounding area. The requested "IDZ-1" Limited Intensity Infill Development District with uses permitted for two (2) dwelling units is also an appropriate zoning for the property and surrounding areas. It also permits no more density than is currently allowed on the lot but allows for the units to be sold individually instead of as a pair and waives the parking requirements. The applicant is also held to an “IDZ” site plan for no more than two (2) dwelling units.
4. **Health, Safety and Welfare:** Staff or 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 objectives of the Downtown Regional Center Plan.

### **Relevant Goals, Recommendations and Strategies of the Downtown Area Regional Center Plan may include:**

Provide a variety of housing types, both owner- and renter-occupied, that are affordable for people at all stages of life and for a range of income levels.

- Land Use Recommendation 1: Create transitions in scale and intensity between Downtown and surrounding areas to encourage greater integration of these areas with Downtown.
- Housing Recommendation 2: Support housing growth in the Downtown Area by creating a diversity of housing options in mixed-use areas and accommodating additional housing in neighborhoods and transition areas through context sensitive design and small-scale infill.
- Housing Strategy 2.3: Identify opportunities and remove barriers for existing neighborhoods to accommodate additional housing by allowing for smaller lots, accessory dwelling units and middle-density housing types (e.g. duplex, townhomes)

where appropriate, particularly in areas of transition between established low-density residential neighborhoods and higher-density neighborhoods

- 6. Size of Tract:** The 0.1941 acre site is of sufficient size to accommodate the proposed residential development.
- 7. Other Factors:** The applicant intends to rezone to be able to sell the two (2) constructed units individually.