



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 17, 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-2023-10700191 CD

**SUMMARY:**

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

**Requested Zoning:** "R-6 CD H AHOD" Residential Single-Family Dignowity Hill Historic Overlay Airport Hazard Overlay District with a Conditional Use for four (4) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 17, 2023

**Case Manager:** Camryn Blackmon, Zoning Planner

**Property Owner:** Jose Rodriguez

**Applicant:** Jose Rodriguez

**Representative:** Jose Rodriguez

**Location:** 420 Lamar Street

**Legal Description:** Lot 5, Block 2, NCB 529

**Total Acreage:** 0.2548

**Notices Mailed****Owners of Property within 200 feet:** 31**Registered Neighborhood Associations within 200 feet:** Dignowity Hill**Applicable Agencies:** Fort Sam Houston, Office of Historic Preservation, Planning Department**Property Details**

**Property History:** The subject property was part of the original 36 square miles of the City of San Antonio and was originally zoned "D H" Historic Apartment District. The property was rezoned by Ordinance 70785, dated December 14, 1989, to "R-2 H" Historic Two-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned "R-2" Two-Family Residence District converted to "RM-4" Residential Mixed District. The property was rezoned by Ordinance 201212060953, dated December 6, 2012, to the current "R-6 H" Single-Family Residential Dignowity Hill Historic District.

**Code & Permitting Details:**

Building Investigation (INV-BLD-INV22-23201018) – November 2022

**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:** "R-5"**Current Land Uses:** Single-Family Dwelling**Direction:** East**Current Base Zoning:** "IDZ" Uses Permitted in "NC" and "RM-6"**Current Land Uses:** Single-Family Dwelling, Convenience Store**Direction:** South**Current Base Zoning:** "R-6"**Current Land Uses:** Single-Family Dwelling**Direction:** West**Current Base Zoning:** "R-6"**Current Land Uses:** Single-Family Dwelling**Overlay District Information:**

The Dignowity Historic District is an overlay district which was adopted in 1983. This district does not regulate use of the property but does 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.

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:**

None.

**Transportation**

**Thoroughfare:** Lamar Street

**Existing Character:** Local

**Proposed Changes:** None Known

**Thoroughfare:** North Hackberry Street

**Existing Character:** Secondary Arterial B

**Proposed Changes:** None Known

**Public Transit:** There is public transportation within walking distance of the subject property.

**Routes Served:** 22, 222

**Traffic Impact:** A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.

**Parking Information:** The minimum parking requirement for four (4) dwelling units is 1.5 per unit. The maximum parking requirement for four (4) dwelling units is 2 per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "R-6" Residential Single-Family District allows single-family dwelling (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools.

Proposed Zoning: "R-6 CD" Residential Single-Family District allows Single-family dwelling (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools.

The "CD" Conditional Use would allow four (4) dwelling units.

**FISCAL IMPACT:**

None.

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

Subject property is not located within a Regional Center but within ½ a mile from the Commerce-Houston Premium Transit Corridor

## **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial, with an Alternate Recommendation for “R-6 CD” Residential Single-Family with a Conditional Use for two (2) dwelling units.

**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 Dignowity Hill Neighborhood Plan/Eastside Reinvestment Plan, adopted December 2009, and is currently designated as “Low Density Residential” in the future land use component of the plan. The requested “R-6” 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 “R-6” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “R-6 CD” Residential Single-Family District with a Conditional Use for four (4) dwelling units is not appropriate. The neighborhood is largely single-family residential. The request for four units is a higher density and would be out of character from the existing community. Thus, Staff recommends an Alternate Recommendation of “R-6 CD” Residential Single-Family with a Conditional Use for two (2) dwelling units to better complement the surrounding area. Providing additional housing is also consistent with the goals of the Strategic Housing Implementation Plan (SHIP), which encourages diverse housing options for all income levels.
- 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 objective.

Relevant Goals and Strategies of the Dignowity Hill Neighborhood Plan/Eastside Reinvestment Plan may include:

- Goal 8: Increase homeownership through infill development and housing rehabilitation.
  - Objective 8.1: Decrease the number of vacant lots and housing through rehabilitation and marketing of properties for infill housing.
  - Goal 9: Well maintained and diverse housing stock
  - Objective 9.1: Improve housing for mid-range level consumers that are cost efficient to allow the renovation of historic structures that are in disrepair.
- 6. Size of Tract:** The 0.2548-acre site is of sufficient size to accommodate the proposed residential development.

7. **Other Factors:** 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. The Military has indicated that there are no objections to this request.

The Conditional Use zoning procedure is designed to provide for a land use 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 applicant is rezoning to develop four (4) dwelling units.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential uses.

The proposed rezoning maintains the residential base district but 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.