



City of San Antonio

Agenda Memorandum

Agenda Date: June 18, 2024

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 2

SUBJECT:
ZONING CASE Z-2024-10700052 CD

SUMMARY:

Current Zoning: "R-6 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Requested Zoning: "R-6 CD MLOD-3 MLR-2 AHOD" Single-Family Residential Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for four (4) dwelling units

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: June 18, 2024

Case Manager: Eradio Gomez, Zoning Senior Planner

Property Owner: Daniel Fleming

Applicant: Elbert Fuqua

Representative: Elbert Fuqua

Location: 1606 East Carson Street

Legal Description: Lot 1 and Lot 2, Block 2 NCB 1173

Total Acreage: 0.3444

Notices Mailed**Owners of Property within 200 feet:** 34**Registered Neighborhood Associations within 200 feet:** None**Applicable Agencies:** Parks Department, Martindale Army Air Field, Fort Sam Houston, Planning Department**Property Details**

Property History: The property was part of the original 36 square miles of the City of San Antonio. The property was rezoned by Ordinance 86704 dated September 25, 1997, to "R-1" Single-Family Residential. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 02, 2001, the "R-1" Single-Family Residential District was converted into the current "R-6" Residential Single-Family 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 flood plain.

Adjacent Base Zoning and Land Uses**Direction:** North**Current Base Zoning:** "R-6"**Current Land Uses:** Residential Single-Family**Direction:** South**Current Base Zoning:** "R-6"**Current Land Uses:** Elementary School, City Park**Direction:** East**Current Base Zoning:** "R-6", "C-2"**Current Land Uses:** Residential Single-Family**Direction:** West**Current Base Zoning:** "R-6"**Current Land Uses:** Residential Single-Family**Overlay District Information:**

The "MLOD-3" Martindale Army Airfield Military Lighting Overlay District does not restrict permitted uses, but does regulate outdoor lighting in an effort to minimize night-time light pollution and its effects on operations at the military installation.

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:

There is no special district information.

Transportation

Thoroughfare: East Carson

Existing Character: Collector Street

Proposed Changes: None known

Thoroughfare: Laurens Avenue

Existing Character: Local Street

Proposed Changes: None known

Public Transit: There are VIA bus routes within a ½ mile of the subject property.

Routes Served: 21

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 Single-Family Residential is 1 space per unit.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: “R-6” Residential Single-Family District permits 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” Residential Single-Family District permits 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 proposed “CD” Conditional Use would allow for two (2) dwelling units.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is located within the Midtown Regional Center and within a ½ mile of the Fredericksburg Metro Premium Plus 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 2010, and is currently designated as “Low Density Residential” in the future land use component of the plan. The requested “R-6 CD” Residential Single-Family with a Conditional Use for four (4) dwelling units 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 with a Conditional Use for four (4) dwelling units is also an appropriate. The proposal would retain the single-family base zoning, while allowing for the consideration of four units. Surrounding properties are single unit homes and the proposed four (4) single family units are characteristic of the area. The prescribed site plan would prevent expansion of the building footprint and would ensure adequate parking is available for the four dwelling units. Deviation from the approved document could potentially warrant additional council consideration. Furthermore, the request aligns with the goals of the Strategic Housing Implementation Plan (SHIP) which supports the development of additional and alternate housing types to accommodate the City’s growing population, at 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 Policies of the Government Hill Neighborhood Plan include:

Housing Goal: Conserve, rehabilitate and/or replace (if necessary) housing stock. Objective: To develop a housing preservation strategy to stabilize and improve the real estate values.
6. **Size of Tract:** The .3444 acres is of sufficient size to accommodate the proposed Single-Family use.
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, JB SA was notified of the proposed request. The Military has indicated that there are no objections to this request.

The subject property is located within the Martindale Army Airfield Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, Texas Army National Guard and JB SA were 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 has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential uses. The applicant is proposing four residential units.

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.