



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** November 7, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 3

**SUBJECT:**

ZONING CASE Z-2023-10700200

**SUMMARY:**

**Current Zoning:** "R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "RM-4 MLOD-2 MLR-2 AHOD" Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 7, 2023. This case was continued from October 3 and October 17, 2023

**Case Manager:** Kellye Sanders, Planning Coordinator

**Property Owner:** Biedronka International Investments, LLC

**Applicant:** MaYu-Group LLC

**Representative:** MaYu-Group LLC

**Location:** 437 Aaron Street

**Legal Description:** Lot 20, Block 102, NCB 9372

**Total Acreage:** 0.1607

### **Notices Mailed**

**Owners of Property within 200 feet:** 28

**Registered Neighborhood Associations within 200 feet:** Harlandale-McCollum

**Applicable Agencies:** Lackland Air Force Base, Planning Department

### **Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 4745, dated March 8, 1947. The property was zoned by Ordinance 6076, dated October 23, 1947, to “C” Apartment District. The property was rezoned by Ordinance 66677, dated February 25, 1988, to “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1” Single-Family Residence District converted to the current “R-6” Residential Single-Family District.

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

Residential Repair Permit (REP-RRP-PMT-23-35300615) – February 2023

Building without Permits (INV-BLD-INV23-23200886) – April 2023

Working without Permits (INV-MEC-INV23-23400876) – April 2023

**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-6

**Current Land Uses:** Vacant Land, Residential Dwelling

**Direction:** South

**Current Base Zoning:** R-6

**Current Land Uses:** Residential Dwelling

**Direction:** East

**Current Base Zoning:** R-6

**Current Land Uses:** Residential Dwelling

**Direction:** West

**Current Base Zoning:** R-6

**Current Land Uses:** Residential Dwelling

### **Overlay District Information:**

The "MLOD-2" Lackland 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:**

N/A

**Transportation**

**Thoroughfare:** Aaron Place

**Existing Character:** Local

**Proposed Changes:** None known

**Thoroughfare:** Garnett Avenue

**Existing Character:** Local

**Proposed Changes:** None known

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

**Routes Served:** 46, 246

**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 Dwelling – 3 or 4 Family is 1.5 per unit. The maximum parking requirement for Dwelling – 3 or 4 Family is 2 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: “RM-4” Residential Mixed District 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.

**FISCAL IMPACT:**

None

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

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

## **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial, with an Alternate Recommendation of “R-6 CD” Residential Single-Family with a Conditional Use for three (3) 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 West/Southwest Sector Plan, amended April 2011, and is currently designated as "General Urban Tier" in the future land use component of the plan. The requested "RM-4" 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 "RM-4" Residential Mixed District is not an appropriate zoning for the property and surrounding area. The neighborhood is predominantly single-family residential dwellings, with a scattering of "R-6 CD" Residential Single-Family District with Conditional Uses for either duplex or fourplexes. Staff recommends keeping the "R-6" base zoning district and adding the Conditional Use for three (3) dwelling units, to be consistent with zoning within proximity, and applying any future development to be subject to a site plan. The site is located at the intersection with streets abutting on two sides to better accommodate access for the additional units. The request also aligns with the goals of the Strategic Housing Implementation Plan (SHIP) to increase housing stock to meet the growing population needs.
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 Comprehensive Plan may include:

- GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
- H 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.
- H Goal 3: Housing choices are available in walkable and bikeable neighborhoods located near transit, employment, retail, medical and recreational amenities.
- H P10: Ensure land use designations and other policies allow for and encourage a mixture of housing types and densities of housing within development projects.
- H P11: Encourage and incentivize new housing development projects to provide a mixture of housing types, sizes and prices.

Relevant Goals and Strategies of the West/SW Sector Plan may include:

- Goal HOU-1 - Housing stock is diverse and densities are distributed in accordance with the adopted West/Southwest Sector Land Use Plan
- HOU-1.2: Provide a range of housing types and prices to accommodate all residents within the Sector and within the same neighborhood.
- HOU-3.1: Re-invest in existing residential neighborhoods.

**6. Size of Tract:** The 0.1607 acre site is of sufficient size to accommodate the proposed residential development.

**7. Other Factors:** The subject property is located within the Lackland AFB 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 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.