



City of San Antonio

Agenda Memorandum

Agenda Date: December 19, 2023

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 2

SUBJECT:
ZONING CASE Z-2023-10700293

SUMMARY:

Current Zoning: "I-1 MLOD-3 MLR-2 AHOD" General Industrial Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Requested Zoning: "IDZ-1 MLOD-3 MLR-2 AHOD" Limited Intensity Infill Development Zone Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with uses permitted for two (2) dwelling units

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: December 19, 2023

Case Manager: Ann Benavidez, Zoning Planner

Property Owner: Irvin Rigal

Applicant: Irvin Rigal

Representative: Irvin Rigal

Location: 1014 Gibbs Street

Legal Description: Lot 4A and Lot 4B, Block 1, NCB 6335

Total Acreage: 0.1710 acres

Notices Mailed

Owners of Property within 200 feet: 36

Registered Neighborhood Associations within 200 feet: Jefferson Heights Neighborhood Association

Applicable Agencies: Fort Sam Houston, Martindale Army Air Field, 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 "J" Commercial District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "J" Commercial District converted to the current "I-1" General Industrial District.

Code & Permitting Details:

Nonconforming Use Rights (Single-Family Home) (NCU-APP-2022-11200151)- December 2022
Minor Building Repair Permit (REP-MBR-APP23-35000464) – January 2023

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: "RM-4"

Current Land Uses: Residential dwelling

Direction: South

Current Base Zoning: "R-4"

Current Land Uses: Residential dwelling

Direction: East

Current Base Zoning: "R-4"

Current Land Uses: Residential dwelling

Direction: West

Current Base Zoning: "I-1"

Current Land Uses: Residential dwelling

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:

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: Gibbs Street

Existing Character: Local Street

Proposed Changes: None Known

Thoroughfare: Paso Hondo Street

Existing Character: Local Street

Proposed Changes: None Known

Public Transit: There are VIA bus routes within walking distance of the subject property.

Routes Served: 20, 24, 25, 225

Traffic Impact: A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

Parking Information: The minimum parking requirement for a single-family residence is 1 parking space per unit.

The IDZ-1 base zoning district waives the minimum parking requirement.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "I-1" General Industrial District accommodates areas of heavy and concentrated fabrication and manufacturing and industrial uses which are suitable based on the character of adjacent development. Examples of permitted uses: auto & light truck auction, truck stop, abrasives manufacturing, food & drug manufacturing, sand & gravel storage & sales, outdoor flea market, manufactured homes/oversized vehicles sales, service and storage.

Proposed Zoning: "IDZ-1" Limited Intensity Infill Development Zone District 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.

If approved, the uses permitted would be for two (2) dwelling units on the property.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is not located within a Regional Center but is within a ½ mile of the Commerce-Houston and the New Braunfels Metro Premium Transit Corridors.

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 Arena District / Eastside Community Plan, adopted December 2003, 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 current “I-1” General Industrial District is not an appropriate zoning for the property and surrounding area. The proposed “IDZ-1” Limited Intensity Infill Development Zone District with uses permitted for two (2) dwelling units is appropriate. The property is situated in a residential corridor, with the additional density proposed already well established in the neighborhood with surrounding zoning designations which support more than one unit per property. The proposal aligns with the surrounding development pattern, while the current “I-1” General Industrial District could potentially accommodate incompatible land uses that pose hazard to surrounding residences. The “IDZ-1” base proposal requires a prescribed site plan that regulates maximum allowable density, the size and height of the structure, and parking. Deviation from the approved document would warrant the need for additional Council consideration.
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:
 - 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 6: Infill development and revitalized neighborhoods provide a range of housing choices near the city center.

Relevant objectives of the Arena District / Eastside Community Plan may include:

- 2.1 Establish a land use pattern that is responsive to the existing context and is founded upon realistic market expectations

- 4.1 Conserve existing neighborhoods
 - 4.2 Recommend new medium density single family and high density multifamily residential neighborhoods near Salado Creek to supplement existing ones
6. **Size of Tract:** The subject property is 0.1710 acres, which can reasonably accommodate the proposed residential 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, adding a second detached unit on the property.

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 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 JBSA were 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.