



City of San Antonio

Agenda Memorandum

Agenda Date: September 5, 2024

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Director

COUNCIL DISTRICTS IMPACTED: District 3

SUBJECT:

ZONING CASE Z-2024-10700073

SUMMARY:

Current Zoning: "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Requested Zoning: "MF-33 MLOD-2 MLR-2 AHOD" Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: June 18, 2024. This case was continued from May 7, 2024 and June 4, 2024.

Case Manager: Alexa Retana, Zoning Planner

Property Owner: Jesus De La Cruz

Applicant: Alvin Peters

Representative: Alvin Peters

Location: 4337, 4343, 4347 Commercial Avenue

Legal Description: 5.33 acres out of NCB 11126

Total Acreage: 5.33 acres

Notices Mailed

Owners of Property within 200 feet: 30

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

Applicable Agencies: Office of Historic Preservation, Lackland Air Force Base, Planning Department

Property Details

Property History: The property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and zoned "B" Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B" Residence District converted to the current "R-4" 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 floodplain.

Adjacent Base Zoning and Land Uses

Direction: North

Current Base Zoning: R-4

Current Land Uses: Single-Family Residential

Direction: South

Current Base Zoning: R-4

Current Land Uses: Single-Family Residential

Direction: East

Current Base Zoning: R-6, MH

Current Land Uses: Single-Family Residential, Mobile Homes

Direction: West

Current Base Zoning: MH, R-4

Current Land Uses: Mobile Homes, Single-Family Residential

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 "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.

Special District Information:

There is no special district information.

Transportation

Thoroughfare: Commercial Avenue

Existing Character: Minor Secondary Arterial A

Proposed Changes: None known.

Thoroughfare: West Buchanan Boulevard

Existing Character: Local

Proposed Changes: None known.

Public Transit: There are VIA bus routes within a ½ mile 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-attached apartments/condominiums” is 1.5 spaces per unit. The maximum is 2 spaces per unit.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: “R-4” Single-Family District permits single-family dwelling (detached) with a minimum lot size of 4,000 square feet and a minimum lot width of 35 feet, foster family home, public and private schools.

Proposed Zoning: “MF-33” Multi-Family District allows any uses permitted in MF-25 but with a maximum density of 33 units per acre for MF-33, 40 units per acre for MF-40, 50 units per acre for MF-50 and 65 units per acre for MF-65.

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 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 West/Southwest Sector Plan, amended in 2011, and is currently designated as “General Urban Tier” in the future land use component of the plan. The requested “MF-33” 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. The surrounding properties are established residential developments.
3. **Suitability as Presently Zoned:** The existing “R-4” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “MF-33” Multi-Family District is also an appropriate zoning district. The proposed multi-family use aligns with the surrounding residential development pattern, with a mix of density from single-family to residential mixed with the existing manufactured home zoning district to the west. Additionally, the proposal is consistent with the goals of the Strategic Housing Implementation Plan which encourages the development of 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. 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.
 - GCF P14: Establish appropriate buffers and transitions (land use, form and/or landscaping) between residential neighborhoods and surrounding higher-density development.
 - 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.

Relevant Goals and Policies of the West/Southwest Sector Plan may include:

- Goal LU-1 Strategies: Land use pattern emphasizes compatibility and appropriateness between uses and protects neighborhoods and businesses from incompatible land uses.
- 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.
- Goal HOU-4 New and existing housing incorporates green building technology to improve energy efficiency and reduce resource consumption.

6. **Size of Tract:** The 5.33-acre site is of sufficient size to accommodate the proposed commercial 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, JBSA was notified of the proposed request. The Military has indicated that there are no objections to this request.

The property is proposed for development of multifamily uses that shall not exceed 33 units per acre. At 5.33 acres, there could potentially be development of 176 units. The applicant's request is to build 32 units.

For properties zoned "RM" or "MF" that abut lots zoned residential or are developed with a single-family use, the height is restricted to the maximum height of the single family district within 50 feet of the property line.

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.