



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 3, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Director

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**

ZONING CASE Z-2024-10700145 CD

**SUMMARY:**

**Current Zoning:** "O-2 MLOD-2 MLR-1 AHOD" High-Rise Office Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District and "R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**Requested Zoning:** "MF-18 CD MLOD-2 MLR-1 AHOD" Limited Density Multi-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with a Conditional Use for Professional Office

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 3, 2024

**Case Manager:** Samantha Benavides, Zoning Planner

**Property Owner:** Severa C. Diaz

**Applicant:** Mendez Engineering PLLC

**Representative:** Tony Saucedo Jr.

**Location:** 729 Southwest 34th Street

**Legal Description:** the west 325.36 feet of Lot 23, Block 8, NCB 8992

**Total Acreage:** 0.9684 Acres

**Notices Mailed**

**Owners of Property within 200 feet:** 35

**Registered Neighborhood Associations within 200 feet:** Los Jardines Neighborhood Association

**Applicable Agencies:** Lackland AFB, Office of Historic Preservation, Planning Department

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 1258, dated June 21, 1944, and zoned "C" Apartment District. The property was rezoned by Ordinance 72510, dated October 18, 1990, to "R-1" Single-Family Residence District. A portion of the property was rezoned by Ordinance 88922, dated December 10, 1998, to "O-1" Office District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned "R-1" Single-Family Residence District converted to the current "R-6" Residential Single-Family District and the property zoned "O-1" Office District converted to the current "O-2" High-Rise Office 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 Dwellings

**Direction:** East

**Current Base Zoning:** "R-6", "R-6 CD"

**Current Land Uses:** Single Family Dwellings, Duplex

**Direction:** South

**Current Base Zoning:** "R-6"

**Current Land Uses:** Single Family Dwellings

**Direction:** West

**Current Base Zoning:** "R-6"

**Current Land Uses:** Single Family Dwellings

**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:**

N/A

**Transportation**

**Thoroughfare:** Southwest 34th Street

**Existing Character:** Local

**Proposed Changes:** None

**Thoroughfare:** Eldridge Avenue

**Existing Character:** Collector

**Proposed Changes:** None

**Public Transit:** There is no public transit within walking distance of the subject property.

**Routes Served:** None

**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 Dwelling – Multi-Family (25 units maximum) is 1.5 spaces per unit. The minimum parking requirement for Professional Office is 1 space per 300 sf GFA.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "O-2" High-Rise Office District provides for the establishment of low to high-rise office buildings. Examples of permitted uses include offices, parks, and schools. Other uses listed as "permitted" in the UDC Nonresidential Use Matrix are only allowed as accessory uses to a primary and principal office use. A minimum 65 foot buffer zoned NC, C-1 or O-1 shall be provided when abutting residential uses or zoning. Outdoor display or sale of merchandise is prohibited.

"R-6" Residential Single-Family District permits a 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: "MF-18 CD" Limited Density Multi-Family District permits multi-family dwelling, single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, with a maximum density of 18 units per acre, assisted living home, skilled nursing facility, foster family home, public and private schools.

The "CD" Conditional Use is for a Professional Office.

**FISCAL IMPACT:**

None

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

Subject property is not located within a Regional Center or within ½ a mile from a Premium 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 West/Southwest Sector Plan, adopted in April 21, 2011, and is currently designated as "General Urban Tier" in the future land use component of the plan. The requested "MF-18" 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. Surrounding properties are zoned "R-4" Residential Single-Family and "R-6" Residential Single-Family.
3. **Suitability as Presently Zoned:** The existing "R-6" Residential Single-Family District is an appropriate zoning for the property and the surrounding area. However, the existing "O-2" High-Rise Office District is not appropriate. The proposed "MF-18 CD" Limited Density Multi-Family District with a Conditional Use for a Professional Office is appropriate. The applicant is rezoning to permit a maximum of sixteen (16) dwelling units and a professional office to continue operating a business that currently takes place on the portion of the property zoned "O-2". The proposed density is consistent with existing density, ranging from two (2) dwelling units to apartments. The applicant will have to adhere to the prescribed site plan that regulates various development aspects such as unit layout, size, and the layout of the parking. Any deviation from the approved document could potentially warrant additional Council consideration. Furthermore, the proposal aligns with the goals of the Strategic Housing Implementation Plan (SHIP), which encourages the development of additional housing stock to accommodate the City's growing population.
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 P11: Encourage and incentivize new housing development projects to provide a mixture of housing types, sizes and prices.
- H P17: Encourage development projects to have a mixture of uses.

Relevant Goals and Policies of the West/Southwest 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
- Goal HOU-2: New housing developments locate near existing community facilities, schools, and physical infrastructure (e.g., streets, water, sewer, etc.) with sufficient capacity to serve new developments
- HOU-3.1: Re-invest in existing residential neighborhoods
- Goal ED-1: The West/Southwest Sector is an economically sustainable community in which residents have a variety of employment opportunities.
- ED-1.1: Locate business offices near existing residential areas within the Sector.
- ED-1.2: Provide Opportunities for live/work locations.
- Goal ED-3: The West/Southwest Sector community values existing and future businesses; businesses which in turn support the neighborhoods.
- Goal LU-1: Land use pattern emphasizes compatibility and appropriateness between uses, and protects neighborhoods and businesses from incompatible land uses.

6. **Size of Tract:** The 0.9684-acre site is of sufficient size to accommodate the proposed residential and 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, JB SA was notified of the proposed request. The Military has indicated that there are no objections to this request.

In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. Approval of a zoning change does not imply approval of or take the place of such demolition review as directed by the UDC. To date, no application for demolition at this address has been submitted for review to the Office of Historic Preservation.

The property is proposed for development of multifamily uses that shall not exceed 18 units per acre. At 0.9684 acres, there could potentially be development of n seventeen (17) units. The applicant is requesting to build sixteen (16) units.

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 sixteen (16) dwelling units and a professional office.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential and commercial uses. The applicant is proposing 16 dwelling 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.