



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 6, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

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

**COUNCIL DISTRICTS IMPACTED:** District 3

**SUBJECT:**

ZONING CASE Z-2024-10700143

**SUMMARY:**

**Current Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** "RM-5 IDZ AHOD" Residential Mixed Infill Development Zone Overlay Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** August 6, 2024. This case was continued from July 16, 2024.

**Case Manager:** Alexa Retana, Zoning Planner

**Property Owner:** JLM Real Estate Investments, LLC

**Applicant:** JLM Real Estate Investments, LLC

**Representative:** Patrick Christensen

**Location:** 606 and 608 East Highland Boulevard

**Legal Description:** Lot 2, Block 68, NCB 3336

**Total Acreage:** 0.1722 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 26

**Registered Neighborhood Associations within 200 feet:** Highland Park Neighborhood Association

**Applicable Agencies:** NA

### **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 "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:**

Overgrown Yard Investigation – INV-AWM-22-2560018435 – April 2022

Vehicle Investigation – INV-FYP-23-2770003610 – February 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:** R-4

**Current Land Uses:** Residential Single-Family, Duplexes

**Direction:** South

**Current Base Zoning:** R-4

**Current Land Uses:** Residential Single-Family, Duplexes

**Direction:** East

**Current Base Zoning:** R-4

**Current Land Uses:** Residential Single-Family, Duplexes

**Direction:** West

**Current Base Zoning:** R-4, R-4 CD, C-3NA

**Current Land Uses:** Duplex, Professional Office, Vacant

### **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.

### **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:** East Highland Boulevard

**Existing Character:** Local

**Proposed Changes:** None Known

**Thoroughfare:** South Olive Street

**Existing Character:** Local

**Proposed Changes:** None Known

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

**Routes Served:** 32, 232, 30, 230

**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 Family is 1.5 spaces per unit, and the maximum parking requirement is two (2) spaces per unit.

“IDZ” as an overlay district waives the minimum parking requirement.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: “R-4” Residential 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: “RM-5 IDZ” Residential Mixed District permits Single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 5,000 square feet and a minimum lot width of 15 feet, public and private schools.

“IDZ” as an overlay district waives the minimum parking requirement.

**FISCAL IMPACT:**

None.

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

The 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 Southeast Community Area Plan, adopted December 15, 2022, and is currently designated as "Urban Low Density Residential" in the future land use component of the plan. The requested "RM-5" 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 "R-4" Residential Single-Family and "C-3NA" General Commercial Nonalcoholic Sales District.
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 "RM-5" Residential Mixed District is also appropriate. The purpose of the rezoning is to bring the existing three (3) dwelling units into conformance with the current zoning code. The density is consistent with the surrounding area as many of the properties benefit from the "B" to "R-4" conversion, permitting duplexes. The addition of an "IDZ" overlay to waive parking would allow for the applicant to maintain the current parking, thus maintaining the current footprint. Additionally, the proposed rezoning supports the Strategic Housing Implementation Plan (SHIP) for diverse housing types for various 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 objectives of the Southeast Community Area Plan:
  - Goal 1: Land Use
    - o Implement land use policies that promote compatible adjacency, mixed-use opportunities, and commercial centers that provide a variety of uses.
  - Strategy 1.3 (Investment) Encourage diverse and appropriately scaled housing types to support transit and businesses. Housing options in focus areas should target a variety of household sizes, ages, and income levels.
  - Goal 4: Housing
    - o Strategy 1.2 Allow for a greater diversity of neighborhood compatible housing product types including more compact single-family detached and attached options, affordable housing, and senior-oriented housing within existing and new neighborhoods, through City-initiated rezoning, City and federal housing programs, and encouragement of private development and reinvestment.
6. **Size of Tract:** The subject property is 0.1722-acres , which can reasonably accommodate the proposed residential development.
7. **Other Factors:** The applicant is rezoning to bring the current structures into compliance.

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.