



City of San Antonio

Agenda Memorandum

Agenda Date: May 16, 2024

In Control: City Council

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 5

SUBJECT:
ZONING CASE Z-2023-10700235 CD

SUMMARY:

Current Zoning: "R-3 MLOD-2 MLR-2 AHOD" Single-Family Residential Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Requested Zoning: "R-3 CD MLOD-2 MLR-2 AHOD" Single-Family Residential Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for two (2) dwelling units

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: December 5, 2023. This item was continued from the October 3, 2023, October 17, 2023 and November 7, 2023 hearings.

Case Manager: Kellye Sanders, Planning Coordinator

Property Owner: Luis & Magdalena Valdez

Applicant: Luis & Magdalena Valdez

Representative: Luis & Magdalena Valdez

Location: 1019 Rivas

Legal Description: Lot 54, Block 1, NCB 6389

Total Acreage: 0.0775

Notices Mailed

Owners of Property within 200 feet: 47

Registered Neighborhood Associations within 200 feet: West End Hope in Action
Neighborhood Association

Applicable Agencies: Lackland Air Force Base, Planning Department

Property Details

Property History: The subject property was located within the original 36 square miles of the City of San Antonio and zoned "C" Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "C" Apartment District converted to the current "MF-33" Multifamily District. The property was rezoned by Ordinance 2023-02-02-0056, dated February 2, 2023, to "R-3" Residential Single-Family District.

Code & Permitting Details

There is no code or permit 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-6"

Current Land Uses: Residential Dwelling

Direction: East

Current Base Zoning: "R-3"

Current Land Uses: Residential Dwelling

Direction: South

Current Base Zoning: "R-3"

Current Land Uses: Residential Dwelling

Direction: West

Current Base Zoning: "R-3"

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:

None.

Transportation

Thoroughfare: Rivas Street

Existing Character: Local

Proposed Changes: None known.

Thoroughfare: N Calaveras Street

Existing Character: Local

Proposed Changes: None known.

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

Routes Served: 89, 103, 289

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 a multifamily dwelling is 1.5 spaces per unit. The maximum parking requirement for a multifamily dwelling is 2 spaces per unit.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "R-3" Residential Single-Family District permits dwelling with a minimum lot size of 3,000 square feet for R-3, 2,000 square feet for R-2 and 1,250 square feet for R-1 and a minimum lot width of 20 feet, designed to provide options for developing dwelling units for specialized housing markets such as affordable housing, starter homes, and empty nester homes.

Proposed Zoning: "R-3" Residential Single-Family District permits dwelling with a minimum lot size of 3,000 square feet for R-3, 2,000 square feet for R-2 and 1,250 square feet for R-1 and a minimum lot width of 20 feet, designed to provide options for developing dwelling units for specialized housing markets such as affordable housing, starter homes, and empty nester homes.

The conditional use would permit two (2) dwelling units.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is not located within a Regional Center and within ½ a mile from the Zarzamora 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 not located within a Neighborhood, Community, or Sector Plan therefore a finding of consistency is based on existing and surrounding zoning and uses.
- 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-3” Residential Single-Family and “MF-33” Multi-Family District.
- 3. Suitability as Presently Zoned:** The existing "R-3" Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed "R-3 CD" Residential Single-Family District with a Conditional Use for two (2) dwelling units is also an appropriate zoning. The “R-3” Residential Single-Family allows a residential home and the “CD” Conditional Use allows a second residential unit. The proposed use was previously established as “MF-33” Multi-Family District but became out of compliance after a large area rezoning in February of this year. The proposed rezoning would utilize existing structures and would be bound to a prescribed site plan that could not be expanded without another rezoning.
- 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 SA Tomorrow Plan. Relevant Goals and Policies of the SA Tomorrow Comprehensive Plan may include:
 - GCF Goal 5:** Growth and city form support improved livability in existing and future neighborhoods.
 - GCF Policy 14:** Establish appropriate buffers and transitions (land use, form, and/or landscaping) between residential neighborhoods and surrounding higher-density development.
 - Housing 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.
 - Housing Goal 3:** Housing choices are available in walkable and bikeable neighborhoods located near transit, employment, retail, medical and recreational amenities.
- 6. Size of Tract:** The 0.0775 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 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 has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential uses. The applicant is rezoning to develop two (2) dwelling units.

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.