



City of San Antonio

Agenda Memorandum

Agenda Date: November 7, 2023

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 7

SUBJECT:

ZONING CASE Z-2023-10700275

SUMMARY:

Current Zoning: "C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Requested Zoning: "MHC MLOD-2 MLR-2 AHOD" Manufactured Housing Conventional Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: November 7, 2023

Case Manager: Adolfo Gonzalez

Property Owner: Juan Gabriel Kouchoukos

Applicant: Theresa Perez-Chavez

Representative: Juan Gabriel Kouchoukos

Location: 4796 Rita Avenue

Legal Description: Lot P-1, Lot 83, and Lot 84, Block 22, NCB 7508

Total Acreage: 0.2577

Notices Mailed

Owners of Property within 200 feet: 36

Registered Neighborhood Associations within 200 feet: Culebra Park

Applicable Agencies: Lackland Airforce Base, Planning Department

Property Details

Property History: The property was annexed into the City of San Antonio by Ordinance 2590, dated September 5, 1945, and zoned "F" Local Retail District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "F" Local Retail District converted to the current "C-2" Commercial District.

Code & Permitting Details

There is no relevant 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: C-2

Current Land Uses: Residential Dwelling

Direction: East

Current Base Zoning: C-2

Current Land Uses: Residential Dwelling

Direction: South

Current Base Zoning: C-2

Current Land Uses: Residential Dwelling

Direction: West

Current Base Zoning: C-2

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:

The "MH" Manufactured Housing District and "MHC" Manufactured Housing Conventional District is a special district to provide suitable locations for HUD-code manufactured homes.

HUD-code manufactured homes may be located on individual lots outside of a manufactured home park provided they are permanently installed and limited to one home per lot.

Transportation

Thoroughfare: Rita Avenue

Existing Character: Local

Proposed Changes: None known.

Thoroughfare: Pettus Street

Existing Character: Local

Proposed Changes: None known.

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

Routes Served: 82, 282

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 Manufactured Homes is 1 space per unit. There is no maximum parking requirement for Manufactured Homes.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "C-2" Commercial Districts accommodate community commercial uses, with unlimited building size, and building height limitation of 25 feet. Examples of permitted uses: liquor store, miniature golf and other indoor gaming facilities, small indoor movie theater, pet cemetery, auto & light truck oil, lube & tune-up, auto glass tinting, tire repair (sale and installation only), gas station, appliance sales & repair, charitable food & clothing banks and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining.

Proposed Zoning: "MHC" Manufactured Housing Conventional Districts provide suitable locations for HUD-code manufactured homes in manufactured housing conventional subdivisions (individual homes on individual lots).

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is not located within a Regional Center and not 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 April 21, 2011 and is currently designated as "General Urban Tier" in the future land use component of the plan. The requested "MHC" 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 existing "C-2" Commercial District is an appropriate zoning for the property and surrounding area. The proposed "MHC" Manufactured Housing Conventional District is a more appropriate zoning for the property. The surrounding properties are zoned "C-2" Commercial District, however, the surrounding properties are currently used as residential dwellings. Although the existing "C-2" Commercial base zoning would match the surrounding "C-2" Commercial base zoning, the proposed "MHC" base zoning would more accurately align with existing uses. Additionally, the requested singular dwelling unit would align with the established single-family density and would align with the character of the neighborhood.
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 from the West/Southwest Sector Plan. Goals and strategies 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.
 - HOU-1.3 Preserve rural homesteads as part of the mix of housing choices.
 - HOU-2.4 Promote awareness of the benefits of locating new housing near existing community facilities and physical infrastructure.
 - Goal HOU-3 Housing is well maintained to help ensure the long-term viability of neighborhoods.
 - HOU-3.1 Re-invest in existing residential neighborhoods.
6. **Size of Tract:** The 0.2577 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, JBSA was notified of the proposed request. The Military has indicated that there are no objections to this request.

The “MHC” Manufactured Housing Conventional and “MHP” Manufactured Housing Park District is a special district to provide suitable locations for HUD-code manufactured homes. HUD-code manufactured homes may be located on individual lots outside of a manufactured home park provided they are permanently installed and limited to one home per lot. In addition, they shall be subject to the following standards which are designed to ensure acceptable compatibility in exterior appearance between HUD-code manufactured homes and site built dwellings that have been or may be constructed in adjacent or nearby locations: HUD-code manufactured homes shall be permanently affixed to a foundation with a visible foundation system and skirting acceptably similar in appearance to foundations of site built residences. The foundation shall form a complete enclosure under exterior walls. Wheels and axles shall be removed. Each HUD-code manufactured home shall have a sloping roof with eave projections of at least six (6) inches, constructed with material generally acceptable for site built housing. The pitch of the main roof shall not be less than one (1) foot of rise for each four (4) feet of horizontal run. Any materials that are generally acceptable for site built housing may be used for exterior finish if applied in such a manner as to be similar in appearance, provided, however, that reflection from such exterior shall not be greater than from siding coated with clean, white, semi gloss enamel paint. A zoning review is performed by the Zoning Section of the Development Services Department during the review of the plat and building permit.

The proposed rezoning is for residential use. If the intention is for use as a Short Term Rental (STR) a rezoning application does not allow STR 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.