



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 2

SUBJECT:

ZONING CASE Z-2024-10700020 CD

SUMMARY:

Current Zoning: "R-4 EP-1 MLOD-3 MLR-2" Residential Single-Family Facility Parking/Traffic Control Overlay Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District

Requested Zoning: "R-4 CD EP-1 MLOD-3 MLR-2" Residential Single-Family Facility Parking/Traffic Control Overlay Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District with a Conditional Use for a Catering Shop

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: April 16, 2024

Case Manager: Alexa Retana, Zoning Planner

Property Owner: Michael Sohocki

Applicant: Michael Sohocki

Representative: Michael Sohocki

Location: 307 Fargo Avenue

Legal Description: Lot 27 and Lot 28, Block 13, NCB 10239

Total Acreage: 0.2828 acres

Notices Mailed

Owners of Property within 200 feet: 32

Registered Neighborhood Associations within 200 feet: Coliseum Willow Park

Applicable Agencies: Planning Department and Martindale Army Air Field

Property Details

Property History: The subject property was annexed into the City of San Antonio by Ordinance 15765, dated October 17, 1951, and zoned "B" Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property 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," "C-2"

Current Land Uses: Single-Family Residential, Bar, Grocery Store

Direction: South

Current Base Zoning: "R-4"

Current Land Uses: Single-Family Residential

Direction: East

Current Base Zoning: "R-4"

Current Land Uses: Single-Family Residential

Direction: West

Current Base Zoning: "R-4"

Current Land Uses: Single-Family Residential

Overlay District Information:

The Facility Parking/Traffic Control District establishes regulations for parking and traffic around large facilities that attract large amounts of vehicle traffic. The overlay district is meant to regulate parking of vehicles in areas not properly zoned for commercial parking; to reduce aesthetic and traffic problems for persons and businesses in these areas; to reduce visual blight, congestion, and wear and tear on city streets; and to increase access for emergency vehicles in these areas.

The "MLOD-3" Martindale Army Airfield 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: Fargo Avenue

Existing Character: Local Street

Proposed Changes: None Known

Thoroughfare: Spriggsdale Avenue

Existing Character: Collector

Proposed Changes: None Known

Public Transit: There are no VIA bus routes within ½ mile of the subject property.

Routes Served: N/A

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 requirements for “Dwelling-1 Family” is 1 per unit. The use of “Caterer Shop” is incidental to the primary use of a residence; therefore, there is no parking requirement for “Accessory Uses- secondary or incidental to primary use.”

ISSUE:

None.

ALTERNATIVES:

Current Zoning: “R-4” Residential 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: “R-4 CD” Residential 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.

The proposed “CD” Conditional Use would allow for a Caterer Shop.

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 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 Arena District/Eastside Community Plan, adopted in December 2003, and is currently designated as “Medium Density Residential” in the future land use component of the plan. The requested “R-4 CD” 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 zoning is “R-4” Residential Single-Family 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 “R-4 CD” Residential Single-Family with a Conditional Use for a Caterer Shop is also appropriate. The proposed change maintains the base zoning, making it consistent with the surrounding “R-4” designations. Additionally, the proposed Conditional Use of a Caterer Shop is minimally invasive in terms of traffic and noise for the residential area. The Conditional Use is also subject to a site plan; therefore, if there are any increases in size or intensity, it would require further public and Council review and approval.
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.
 - GCF P9: Allow higher-density and mixed uses in portions of, or adjacent to, single-family residential areas to encourage shopping, services and entertainment amenities in close proximity to housing and where appropriate.Relevant Goals and Policies of the Arena District Eastside Community Plan may include:
 - Redevelopment 1.3 - New retail, medical office, and business services space - an opportunity for up to 200,000 sq. feet of new space.
 - Land Use 2.1 - Establish a land use pattern that is responsive to the existing context and is founded upon realistic market expectations.
 - Land Use and Community Facilities 2.2 - Protect the neighborhoods by providing them with the necessary improvements to enable infill development and redevelopment.
 - Land Use 4.1 - Conserve existing neighborhoods.
6. **Size of Tract:** The 0.2828-acre site is of sufficient size to accommodate the proposed development.

7. **Other Factors:** The subject property is located within the Martindale Army Airfield Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, Texas Army National Guard and JBSA were 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 is rezoning to develop a Caterer Shop.

The following conditions shall apply to the operation of nonresidential uses permitted within any residential district, unless otherwise approved by the City Council:

- A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- B. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
- C. Business hours operation shall not be permitted before 7:00 a.m. or after 6:00 p.m.