



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 17, 2024

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

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

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**

ZONING CASE Z-2024-10700083

(Associated Plan Amendment PA-2024-11600034)

**SUMMARY:**

**Current Zoning:** "R-5 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for a Duplex

**Requested Zoning:** "IDZ-3 MLOD-2 MLR-2 AHOD" High Intensity Infill Development Zone Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with uses permitted for eight (8) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 17, 2024. This case was continued from July 16, 2024, and August 20, 2024.

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

**Property Owner:** Golden Lion Trading LLC

**Applicant:** Asad Halai

**Representative:** Russell Felan

**Location:** 608 South Park Boulevard

**Legal Description:** Lot 3, Block 38, NCB 6281

**Total Acreage:** 0.1481 acres

**Notices Mailed**

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

**Registered Neighborhood Associations within 200 feet:** Collins Garden Neighborhood Association

**Applicable Agencies:** Parks and Recreation, Office of Historic Preservation, Lackland, Planning Department

**Property Details**

**Property History:** The subject property is within the Original 36 square miles of the City of San Antonio and was zoned “B” Residence District. The property was then rezoned by Ordinance 76368, dated August 27, 1992, to “R-5 SUP” Single-Family Residence District with a Special Use Permit for a Duplex. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned “R-5 SUP” Single-Family Residence District with a Special Use Permit for a Duplex was changed to the current “R-5 CD” Residential Single-Family District with a Conditional Use for a Duplex.

**Code & Permitting Details:**

Short Term Rental (STR) Permit Application (STR-24-13400172) February 2024

Short Term Rentals Licensing Investigation (INV-PST-INV24-3010002482) July 2024

Zoning UDC Investigation (INV-ZRD-24-3170001931) July 2024

**Topography:** The property does not include any abnormal physical features such as slope or inclusion in a floodplain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** “R-5”, “R-5 CD”

**Current Land Uses:** Park, Single Family Dwelling, Duplex

**Direction:** East

**Current Base Zoning:** “R-5”, “R-5 CD”

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

**Direction:** South

**Current Base Zoning:** “R-4”, “R-5”, “R-5 CD”

**Current Land Uses:** Single-Family Dwelling, Duplex

**Direction:** West

**Current Base Zoning:** “R-5”, “R-5 CD”

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

**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:**

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:** South Park Boulevard

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** Marian Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** Roslyn Avenue

**Existing Character:** Local Street

**Proposed Changes:** None Known

**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.

"IDZ-3" waives the minimum parking requirement by 50%.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "R-5 CD" Residential Single-Family District allows for a Single-family dwelling (detached) with a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, public and private schools.

The "CD" Conditional Use is for a Duplex.

Proposed Zoning: "IDZ-3" High Intensity Infill Development Zone allows rezoning requests of unlimited density, and uses permitted in "C-3", "O-2" and "I-1". All approved uses and maximum density must be requested and stated within the ordinance. Provide flexible standards for setbacks and parking for the development and reuse of underutilized parcels within a qualifying area of the city.

The proposed "IDZ-3" would allow for eight (8) dwelling units.

**FISCAL IMPACT:**

None

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

The subject property is not located within a Regional Center but is located within ½ a mile from the Zarzamora Metro Premium Plus Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend Denial.

**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 Nogalitos/ South Zarzamora Community Plan, adopted in September 2004, and is currently designated as "Low Density Residential" in the future land use component of the plan. The requested "IDZ-3" base zoning district is not consistent with the future land use designation. Staff and Zoning Commission recommend Denial.
2. **Adverse Impacts on Neighboring Lands:** Staff does find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is not consistent with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The current "R-5 CD" is an appropriate zoning for the property and surrounding area. The proposed "IDZ-3" High Intensity Infill Development Zoning with uses permitted for eight (8) dwelling units is not appropriate. The proposed density does not align with the surrounding single family residential development pattern, where the highest density within proximity is two units, which is already permitted for the subject property.
4. **Health, Safety and Welfare:** Staff has found indication of likely adverse effects on the public health, safety, or welfare.
5. **Public Policy:** The request does/does not appear to conflict with any public policy. Relevant goals and objects of the Comprehensive Plan may include:

- GCF Goal 4: Sustainable infill and mixed-use development provide walkable and bikeable destinations for all residents.
- GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
- H Goal 6: Infill development and revitalized neighborhoods provide a range of housing choices near the city center.
- H P30: Ensure infill development is compatible with existing neighborhoods.
- H P10: Ensure land use designations and other policies allow for and encourage a mixture of housing types and densities of housing within development projects..

Relevant goals and policies of the Nogalitos/South Zarzamora Community Plan may include:

- GOAL 1: HOUSING – Improve the quality, appearance, and variety of existing and new housing for people of all ages while preserving the character of the neighborhoods.
- OBJECTIVE 1.1: HOME IMPROVEMENT AND MAINTENANCE – Encourage investment in housing rehabilitation and maintenance.
- OBJECTIVE 1.2: DIVERSITY OF HOUSING – Provide a variety of housing types that sustain all ages and economic groups.

6. **Size of Tract:** The subject property is 0.1481 acres, which does not reasonably accommodate eight (8) dwelling units.
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 applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential uses and indicates eight (8) dwelling units on the property.

If an "IDZ" zoned property abuts a single-family use or zone then the structure shall not exceed two and one-half (2.5) stories or thirty-five (35) feet in height if the structure is fifty (50) feet or less from the single-family use or zone.

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.