



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** November 7, 2023

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 2

**SUBJECT:**

ZONING CASE Z-2023-10700222 CD

**SUMMARY:**

**Current Zoning:** "R-4 EP-1 MLOD-3 MLR-2" Residential Single-Family Facility Parking/Traffic Control 1 Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District and "R-4 EP-1 MLOD-3 MLR-2 AHOD" Residential Single-Family Facility Parking/Traffic Control 1 Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "R-4 CD EP-1 MLOD-3 MLR-2" Residential Single-Family Facility Parking/Traffic Control 1 Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District with a Conditional Use for two (2) dwelling units and "R-4 CD EP-1 MLOD-3 MLR-2 AHOD" Residential Single-Family Facility Parking/Traffic Control 1 Martindale Army Airfield 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:** October 17, 2023

**Case Manager:** Ann Benavidez, Zoning Planner

**Property Owner:** Delafield Investments, LLC; Bob Prado

**Applicant:** Ziga Architecture Studio PLLC

**Representative:** Ziga Architecture Studio PLLC

**Location:** 1551 Paso Hondo

**Legal Description:** Lot 13, Block 35, NCB 6457

**Total Acreage:** 0.1710 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 38

**Registered Neighborhood Associations within 200 feet:** Jefferson Heights

**Applicable Agencies:** Parks and Recreation, Martindale Army Airfield, Planning Department

**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. The property was converted by the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, from “B” Residence District to the current “R-4” Residential Single-Family District.

**Code & Permitting Details:**

ADDR-COD-22-10600295 (Certificate of Determination)- May 2022

ADDR-AVAA-22-10100972 (Address Verification) – June 2022

RES-RBP-PMT22-36604331 (Building permit)- May 2023

There is no relevant code enforcement history for the subject property.

**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 Dwelling

**Direction:** South

**Current Base Zoning:** “R-4”

**Current Land Uses:** Residential Dwelling

**Direction:** East

**Current Base Zoning:** “R-4”

**Current Land Uses:** Residential Dwelling

**Direction:** West

**Current Base Zoning:** “R-4”

**Current Land Uses:** Residential Dwelling

**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.

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:**

No special district information.

**Transportation**

**Thoroughfare:** Paso Hondo Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** Gibbs Street

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Public Transit:** There are VIA bus routes within walking distance of the subject property.

**Routes Served:** 24, 25, 222

**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 two dwelling units is 1 parking space per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "R-4" Residential Single-Family Districts permit 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 Districts permit 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 permit two (2) detached units on the property.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center but is within a ½ mile of the Commerce - Houston 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 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.
3. **Suitability as Presently Zoned:** The current “R-4” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “R-4 CD” Residential Single-Family District with a Conditional Use for two (2) units is also appropriate. The property is placed and sized comparably to other proximate properties that also accommodate duplexes or two detached units. Additionally, the subject property is situated with access opportunity at the front of the property off Paso Hondo Street, and at the rear of the property off Gibbs Street. There are other residential properties on the block, identical to the proposed development, which face both Gibbs Street and Paso Hondo Street,. The property is in an area that benefits from the “B” to “R-4” conversion exception, which means that a duplex is permitted by right despite the single-family zoning designation; the proposed density is permitted by right. Furthermore, the proposal aligns with the goals and objectives of the Strategic Housing Implementation Plan (SHIP), which aims to develop new housing to accommodate the City’s growing population.
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. 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 P8: Continue to focus on the revitalization of neighborhoods adjacent to downtown and extend these efforts to regional centers, urban centers and transit corridors.
- H 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.
- H Goal 3: Housing choices are available in walkable and bikeable neighborhoods located near transit, employment, retail, medical and recreational amenities.

Relevant Goals and Guiding Principles from the Arena District Eastside Community Plan may include:

- Land Use 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 subject property is 0.1710 acres, which can reasonably accommodate the proposed residential development.
7. **Other Factors:** 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 two (2) dwelling units.

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 applicant intends to construct two (2) new detached residential dwelling units. Although the property is allowed a duplex as a result of the “B” to “R-4” conversion, the applicant is proposing two detached units. A duplex is attached. The request results in the same density as allowed in the current zoning.

The subject property is permitted a Duplex by Section 35-D101(j) Duplexes in former 1938 "B" Zoning District. Notwithstanding any provision of this chapter to the contrary, two-family (duplex) residences are a permitted use for any tract or parcel zoned under the 1938 districts as "B" prior to the adoption date of this chapter so long as such tract is in the same configuration and so long as such tract is not the subject of rezoning in accordance with the provisions of this chapter and remains with the 2001 "R-4" zoning district. Pursuant to this subsection, two-family residences may be developed in accordance with the dimensional standards of table 310-1 and section 35-516 except as otherwise provided below:

- (1) Minimum front setback of twenty (20) feet.
- (2) Minimum side setback of five (5) feet.
- (3) Minimum rear setback of twenty (20) percent of the lot depth or twenty (20) feet, whichever is less.
- (4) Minimum lot size of six thousand (6,000) square feet.

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.