



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** November 7, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 2

**SUBJECT:**

Zoning Case Z-2023-10700208

**SUMMARY:**

**Current Zoning:** "R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "R-3 MLOD-3 MLR-2 AHOD" Single-Family Residential Martindale Army Airfield 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:** Pentagon Group LLC

**Applicant:** REK Construction

**Representative:** REK Construction

**Location:** 1048 Gibbs Street

**Legal Description:** Lot 12A and Lot 12B, Block 1, NCB 6335

**Total Acreage:** 0.1722

### **Notices Mailed**

**Owners of Property within 200 feet:** 41

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

**Applicable Agencies:** Martindale Army Air Field, Fort Sam Houston, 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 "B" Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B" Residence District 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

**Current Land Uses:** Residential Dwelling

**Direction:** East

**Current Base Zoning:** R-4

**Current Land Uses:** Residential Dwelling

**Direction:** South

**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 "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:**

None.

**Transportation**

**Thoroughfare:** Gibbs Street

**Existing Character:** Local

**Proposed Changes:** None known.

**Thoroughfare:** North Polaris Street

**Existing Character:** Local

**Proposed Changes:** None known.

**Thoroughfare:** Paso Hondo Street

**Existing Character:** Local

**Proposed Changes:** None known.

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

**Routes Served:** 20

**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 single-family residential dwelling is 1 space per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: 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: Single-family 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.

**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 New Braunfels Avenue 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 Arena District/Eastside Community Development Plan adopted December 2003 and is currently designated as "Medium Density Residential" in the future land use component of the plan. The requested "R-3" 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 "R-4" Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed "R-3" Residential Single-Family District is also an appropriate zoning for the property and surrounding area. The applicant intends to subdivide the subject property into two residential lots. The proposed rezoning would reduce the minimum square footage requirement from 4,000 square feet to 3,000 square feet. The subject property currently has 7,500 square feet, enough for subdividing the lot into two. The proposed rezoning would not increase the established residential dwelling and would limit future structures to 70% of the subdivided lot areas.
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 Arena District/Eastside Community Plan. Goals may include: - 2.1 Establish a land use pattern that is responsive to the existing context and is founded upon realistic market expectations. - 2.2 Protect the neighborhoods by providing them with the necessary improvements to enable infill development and redevelopment. - 4.1 Conserve existing neighborhoods. - 4.2 Recommend new medium density single family and high density multifamily residential neighborhoods near Salado Creek to supplement existing ones.

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 8: Continue to focus on the revitalization of neighborhoods adjacent to downtown and extend these efforts to regional centers, urban centers and transit corridors.
- 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.

- Housing Goal 6: Infill development and revitalized neighborhoods provide a range of housing choices near the city center.
- Housing Policy 30: Ensure infill development is compatible with existing neighborhoods.

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

- Land Use Guiding Principles 2.2: Protect the neighborhoods by providing them with the necessary improvements to enable infill development and redevelopment.
- Land Use Plan Goal 4.1: Conserve existing neighborhoods.

- 6. Size of Tract:** The 0.1722 acre site is of sufficient size to accommodate the proposed residential 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 subject property is located within the Fort Sam Houston 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 property is proposed for development of a residential subdivision with lot sizes of 3,000 square feet. At 0.1722 acres, there could potentially be development of two (2) lots. The applicant is proposing two (2) lots with the rezoning.

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 proposed rezoning maintains the residential base district. In the event the applicant 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.