



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 15, 2024

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz

**COUNCIL DISTRICTS IMPACTED:** District 2

**SUBJECT:**  
ZONING CASE Z-2024-10700052 CD

**SUMMARY:**

**Current Zoning:** "R-6 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "R-6 CD MLOD-3 MLR-2 AHOD" Single-Family Residential Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use for four (3) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 18, 2024

**Case Manager:** Eradio Gomez, Zoning Senior Planner

**Property Owner:** Daniel Fleming

**Applicant:** Elbert Fuqua

**Representative:** Elbert Fuqua

**Location:** 1606 East Carson Street

**Legal Description:** Lot 1 and Lot 2, Block 2 NCB 1173

**Total Acreage:** 0.3444

### **Notices Mailed**

**Owners of Property within 200 feet:** 34

**Registered Neighborhood Associations within 200 feet:** Government Hill Alliance, Government Hill Tomorrow Community Organization

**Applicable Agencies:** Parks Department, Martindale Army Air Field, Fort Sam Houston, Planning Department

### **Property Details**

**Property History:** The property was part of the original 36 square miles of the City of San Antonio. The property was rezoned by Ordinance 86704 dated September 25, 1997, to "R-1" Single-Family Residential. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 02, 2001, the "R-1" Single-Family Residential District was converted into the current "R-6" 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 flood plain.

### **Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "R-6"

**Current Land Uses:** Residential Single-Family

**Direction:** South

**Current Base Zoning:** "R-6"

**Current Land Uses:** Elementary School, City Park

**Direction:** East

**Current Base Zoning:** "R-6", "C-2"

**Current Land Uses:** Residential Single-Family

**Direction:** West

**Current Base Zoning:** "R-6"

**Current Land Uses:** Residential Single-Family

### **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:**

There is no special district information.

**Transportation**

**Thoroughfare:** East Carson

**Existing Character:** Collector Street

**Proposed Changes:** None Known

**Thoroughfare:** Laurens Avenue

**Existing Character:** Local Street

**Proposed Changes:** None Known

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

**Routes Served:** 21

**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 Single-Family Residential is 1 space per unit.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "R-6" Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools.

Proposed Zoning: "R-6" Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet, foster family home, public and private schools.

**FISCAL IMPACT:**

None

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

Subject property is not located within a Regional Center but is located within ½ a mile from the Zarzamora and Bandera Metro Premium Transit Corridors.

The proposed "CD" Conditional Use would allow for two (3) dwelling units.

**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 Government Hill Neighborhood Plan, adopted 2010, and is currently designated as “Low Density Residential” in the future land use component of the plan. The requested “R-6 CD” Residential Single-Family with a Conditional Use for four (4) dwelling units 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-6” Residential Single-Family District is an appropriate zoning for the property and surrounding area. The proposed “R-6 CD” Residential Single-Family with a Conditional Use for four (4) dwelling units is also an appropriate. The proposal would retain the single-family base zoning, while allowing for the consideration of four detached units, a design consistent with existing residential detached unit characteristic of the neighborhood. The prescribed site plan would prevent expansion of the building footprint and would ensure adequate parking is available for the four dwelling units. Deviation from the approved document could potentially warrant additional council consideration. Furthermore, the request aligns with the goals of the Strategic Housing Implementation Plan (SHIP) which supports the development of additional and alternate housing types to accommodate the City’s growing population, at all income levels.
- 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. Relevant Goals and Policies 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 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.
  - 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 Objectives of the Government Hill Neighborhood Plan may include:
  - Goal: Redevelop and revitalize the neighborhood.

- Objective: To encourage and support any revitalization and redevelopment efforts consistent with this plan.

6. **Size of Tract:** The 0.3444 acres is of sufficient size to accommodate the proposed residential development.
7. **Other Factors:** 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 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 has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential uses. The applicant is proposing four residential units.

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.