



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 5, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**

Zoning Case Z-2023-10700321 CD

**SUMMARY:**

**Current Zoning:** "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for four (4) dwelling units

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 5, 2023

**Case Manager:** Adolfo Gonzalez, Zoning Planner

**Property Owner:** Van and Vivian Phan

**Applicant:** Van and Vivian Phan

**Representative:** Ortiz McKnight, PLLC

**Location:** 834 Leal Street

**Legal Description:** Lot 5, Block 4, NCB 2209

**Total Acreage:** 0.1873

**Notices Mailed**

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

**Registered Neighborhood Associations within 200 feet:** Prospect Hill Neighborhood Association and West End Hope in Action Neighborhood Association

**Applicable Agencies:** 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 "C" Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "C" Apartment District converted to the current "MF-33" Multi-Family District. The property was rezoned by Ordinance 2023-05-04-0286, dated May 4, 2023, to "R-6" Residential Single-Family District.

**Code & Permitting Details:**

There is no relevant 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-6

**Current Land Uses:** Residential Dwelling

**Direction:** East

**Current Base Zoning:** R-6

**Current Land Uses:** Residential Dwelling

**Direction:** South

**Current Base Zoning:** R-6

**Current Land Uses:** Residential Dwelling

**Direction:** West

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

**Current Land Uses:** Residential Dwelling

**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.

**Special District Information:**

None.

**Transportation****Thoroughfare:** Leal Street**Existing Character:** Local**Proposed Changes:** None known.**Thoroughfare:** North San Jacinto Street**Existing Character:** Local**Proposed Changes:** None known.**Public Transit:** There is public transportation within walking distance of the subject property.**Routes Served:** 77, 79, 277**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 4-family dwelling is 1.5 spaces per unit. The maximum parking requirement for 4-family dwelling is 2 spaces per unit.**ISSUE:**

None.

**ALTERNATIVES:****Current Zoning:** 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:** 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:**

The subject property is not located within a Regional Center and within ½ a mile from the Fredericksburg 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 not located within a Neighborhood, Community, or Sector Plan therefore a finding of consistency is based on existing and surrounding zoning and uses.

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 District with a Conditional Use for Four (4) Dwelling Units is also an appropriate zoning for the property and surrounding area. The request allows additional density which is consistent with the Strategic Housing Implementation Plan which encourages diverse housing options for all income levels. The request density is consistent and compatible with existing densities in the area. Surrounding properties are zoned "R-6" Residential Single-Family District, "R-6 CD" Residential Single-Family District with a Conditional Use for Three (3) Dwelling Units, "MF-33" Multifamily District, and "IDZ" Infill Development Zone with uses permitted in "RM-4" Residential Mixed District. The rezoning requires a prescribed Site Plan which solidifies the proposed development and layout. Any major amendments to the Site Plan would require another rezoning.
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 SA Tomorrow 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.
  - 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.
6. **Size of Tract:** The 0.1873 acre site is of sufficient size to accommodate the proposed four (4) unit dwelling 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 four (4) dwelling units.

The proposed rezoning maintains the residential base district but 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.