



City of San Antonio

Agenda Memorandum

Agenda Date: May 21, 2024

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 5

SUBJECT:

ZONING CASE Z-2023-10700304

(Associated Plan Amendment Case PA-2023-11600077)

SUMMARY:

Current Zoning: "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Requested Zoning: "IDZ-2 MLOD-2 MLR-2 AHOD" Medium Intensity Infill Development Zone Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with uses permitted for four (4) dwelling units

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: May 21, 2024. This case was continued from May 7, 2024.

Case Manager: Alexa Retana, Zoning Planner

Property Owner: Manuel Garvarete

Applicant: Manuel Garvarete

Representative: Manuel Garvarete

Location: 259 Taft Boulevard

Legal Description: Lot 31 and Lot 32, Block 14, NCB 3497

Total Acreage: 0.1492 Acres

Notices Mailed

Owners of Property within 200 feet: 32

Registered Neighborhood Associations within 200 feet: Palm Heights Neighborhood Association

Applicable Agencies: Planning Department, Lackland Air Force Base, Waste Management, Office of Historic Preservation, Texas Department of Transportation

Property Details

Property History: The property was part of the original 36 square miles of the City of San Antonio and originally zoned "B" Residence District. The property was rezoned by Ordinance 76368, dated August 27, 1992, to "R-7" Small Lot Home District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-7" Small Lot Home District converted to the current "R-4" Residential Single-Family District.

Code & Permitting Details:

RES-ADD-PMT23-32501582: Home Addition Permit

DEM-DEM-PMT24-39200493: Demolition Permit

DEM-DEM-PMT23-39200412: Demolition Permit

REP-MBR-APP23-35010569: Minor Building Repair Application

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: Single-Family Residential

Direction: South

Current Base Zoning: R-4, R-4 CD for Triplex

Current Land Uses: Single-Family Residential, Triplex

Direction: East

Current Base Zoning: R-4

Current Land Uses: Single-Family Residential

Direction: West

Current Base Zoning: R-4, R-4 CD for Quadplex

Current Land Uses: Single-Family Residential, Duplex, Quadplex

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: Taft Boulevard

Existing Character: Local Street

Proposed Changes: None known.

Thoroughfare: Garland Street

Existing Character: Local Street

Proposed Changes: None known.

Public Transit: There are VIA bus routes within a ½ mile of the subject property.

Routes Served: 51, 251

Traffic Impact: A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

Parking Information: "IDZ-2" waives the minimum parking requirement by 50%. The minimum parking requirement is 1.5 parking spaces per unit.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: "R-4" Residential Single-Family District permits 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: "IDZ-2" Medium Intensity Infill Development Zone allows rezoning requests up to 50 units per acre, and uses permitted in "C-2" and "O-1.5". All approved uses 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-2" would allow for four (4) dwelling units.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is not located within a Regional Center or within a ½ mile of a Premium Transit Corridor.

RECOMMENDATION:

Staff Analysis and Recommendation: Staff recommends Denial, with an Alternate Recommendation of “R-4 CD” Residential Single-Family District with a Conditional Use for four (4) dwelling units.

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 2004, and is currently designated as “Low Density Residential” in the future land use component of the plan. The requested “IDZ-2” base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to “Mixed Use.” The case was heard at Planning Commission on April 24, 2024, where the applicant confirmed that they were amending their request in alignment with Staff’s Alternate Recommendation of “R-4 CD” Residential Single-Family with a Conditional Use for four (4) units. Thus, a Plan Amendment is no longer required. By default the Plan Amendment was withdrawn and the Commission did not need to take any action.
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. The surrounding properties are established “R-4” Residential Single-Family zoning districts and uses.
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 “IDZ-2” Medium Intensity Infill Development Zone with uses permitted for four (4) dwelling units is not. While the proposed density is present in the area, the requested “IDZ-2” base zoning district is not. The desired density can be achieved by keeping the existing “R-4” base zoning district with a Conditional Use for four (4) units, a more appropriate option for the neighborhood.
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 appear to conflict with 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 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 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 1.2: Diversity of Housing - Provide a variety of housing types that sustain all ages and economic groups.
- Goal 2: Community Character and the Environment – Preserve and enhance the walkable, neighborhood-friendly character of the neighborhoods in a way that incorporates the arts and improves the environment.
- Objective 2.1: Neighborhood Character and Appearance – Protect and preserve the character of the neighborhoods and commercial corridors while improving their physical appearance.

- 6. Size of Tract:** The 0.1492-acre site is of sufficient size to accommodate the proposed residential development.
- 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. The applicant is requesting for four (4) dwelling 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.

In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. On February 6, 2023, the Office of Historic Preservation staff determined that a demolition permit may be issued in accordance with the UDC at this property.