



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 5, 2024

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Director

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**  
ZONING CASE Z-2023-10700304 CD

**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:** "R-4 CD MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Conditional Use 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:**

None.

**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:** 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:** "R-4 CD" 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.

The proposed "CD" Conditional Use 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 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 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 “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. 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 “R-4 CD” Residential Single-Family with a Conditional Use for four (4) dwelling units is also appropriate. The proposed density is consistent with what is currently in the area. The prescribed site plan prevents expansion of the building footprint and ensures 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 public policy. Relevant Goals and Policies of the Comprehensive Plan may include:
  - 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.
  - GCF Goal 5: Growth and city form support improved livability in existing and future 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.

- 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.

TxDOT states no access may be allowed onto US 90.

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 intends to rezone to “R-4 CD” to allow 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.