



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 19, 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-2024-10700086

**SUMMARY:**

**Current Zoning:** "C-3NA MLOD-2 MLR-1 AHOD" General Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** "MF-18 MLOD-2 MLR-1 AHOD" Limited Density Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with an allowance of a fence height up to eight (8) feet

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** July 16, 2024. This case was continued from June 18, 2024.

**Case Manager:** Bronte Frere

**Property Owner:** Rocky's Taco House

**Applicant:** Patricia Villarreal

**Representative:** Rocky's Taco House

**Location:** 1017 and 1019 South San Eduardo Avenue

**Legal Description:** 1.113 acres out of Lot 6, the south 108 feet of Lot 6, and the north 16 feet of Lot 7, NCB 8134

**Total Acreage:** 2.1193

**Notices Mailed**

**Owners of Property within 200 feet:** 35

**Registered Neighborhood Associations within 200 feet:** Las Palmas Neighborhood Association

**Applicable Agencies:** Planning Department, Lackland AFB

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 1258, dated August 2, 1944, and zoned "C" Apartment District. The property was rezoned by Ordinance 59947, dated December 20, 1984, to "B-3 NA" Business Nonalcoholic Sales District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3 NA" Business Nonalcoholic Sales District converted to the current "C-3 NA" General Commercial Nonalcoholic Sales District.

**Code & Permitting Details:** There is no relevant code violations for the subject property. Commercial Project Application (COM-PRJ-APP24-39800988 – Fence application) – April 2024

**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," "O-1 S"

**Current Land Uses:** Single-Family Residential, Education Center

**Direction:** South

**Current Base Zoning:** "MF-33," "C-3 R"

**Current Land Uses:** Apartments, Restaurant

**Direction:** East

**Current Base Zoning:** "MF-33," "C-2 NA"

**Current Land Uses:** Apartments, Barber Shop

**Direction:** West

**Current Base Zoning:** "R-4"

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

**Overlay District Information:**

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.

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:**

N/A

**Transportation**

**Thoroughfare:** South San Eduardo Avenue

**Existing Character:** Local

**Proposed Changes:** None known.

**Thoroughfare:** Castroville Road

**Existing Character:** Secondary Arterial A

**Proposed Changes:** None known.

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

**Routes Served:** 68, 268

**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 Multi-Family Dwelling is 1.5 spaces per unit, and the maximum parking requirement is 2 spaces per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "C-3NA" General Commercial Nonalcoholic Sales Districts are identical to C-3 districts except that the sale of alcoholic beverages is prohibited.

Proposed Zoning: "MF-18" Limited Density Multi-Family Districts allow for single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, with a maximum density of 18 units per acre, assisted living home, skilled nursing facility, 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 Transit Center but is within ½ a mile from the General McMullen-Babcock Transit Corridor.

## **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval and Zoning Commission recommends Approval as Amended.

**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 West Secor Plan, adopted in 2011, and is currently designated as “General urban Tier” in the future land use component of the plan. The requested “MF-18” Limited Density Multi-Family 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. There are adjacent properties zoned “MF-33” Multi-Family District.
3. **Suitability as Presently Zoned:** The existing “C-3 NA” General Commercial Nonalcoholic Saled District is not an appropriate zoning for the property and surrounding area. The proposed “MF-18” Limited Density Multi-Family District is more appropriate. The proposed “MF-18” base zoning district is requested to bring the existing residential development into compliance, introducing a lower density to transition from the commercial uses and higher density along Castroville Road from the south to the single-family residential neighborhood to the north.
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 5: Growth and city form support improved livability in existing and future neighborhoods.
  - GCF P8: Continue to focus on the revitalization of neighborhoods adjacent to downtown and extend these efforts to regional centers, urban centers and transit corridors.
  - GCF P13: Evaluate commercial and industrial land use and zoning designations in the core of the city, regional centers, urban centers and primary transit corridors to determine areas that could be converted to residential or mixed-use.
  - 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 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 Strategies of the West/Southwest Sector Plan may include:

- Goal LU-1: Land use pattern emphasizes compatibility and appropriateness between uses, and protects neighborhoods and businesses from incompatible land uses.
- Goal Hou-1: Housing stock is diverse, and densities are distributed in accordance with the adopted West/Southwest Sector Land Use Plan
- Hou-1.2: Provide a range of housing types and prices to accommodate all residents within the Sector and within the same neighborhood.

**6. Size of Tract:** The 1.113-acre site is of sufficient size to accommodate the proposed commercial 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 property is proposed for development of multifamily uses that shall not exceed 18 units per acre. At 1.113 acres, there could potentially be development of 20 units. The applicant is requesting to rezone to keep the existing five (5) units.

The proposed rezoning includes a request to allow a 6-foot solid fence along the front property line. This request can be permitted through the requested rezoning per 35-514 (c)(2)(D) of the Unified Development Code.

For properties zoned "RM" or "MF" that abut lots zoned residential or are developed with a single family use, the height is restricted to the maximum height of the single family district within 50 feet of the property line.

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. Approval of a zoning change does not imply approval of or take the place of such demolition review as directed by the UDC. To date, the Office of Historic Preservation has not received an application for demolition at this address and a demolition application with OHP will be required if demolition is a listed scope of work.