



# City of San Antonio

## Agenda Memorandum

---

**Agenda Date:** October 15, 2024

**In Control:** Zoning Commission Meeting

---

**DEPARTMENT:** Development Services Department

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

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**

ZONING CASE Z-2024-10700222 CD

**SUMMARY:**

**Current Zoning:** “R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** “R-6 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:** October 15, 2024

**Case Manager:** Forrest Wilson, Principal Planner

**Property Owner:** Fiesta Oaks Properties LLC

**Applicant:** Gabriela Guzman

**Representative:** Gabriela Guzman

**Location:** 2810 Monterey Street

**Legal Description:** Lot 3, Block 3, NCB 3533

**Total Acreage:** 0.1838

## **Notices Mailed**

**Owners of Property within 200 feet:** 27

**Registered Neighborhood Associations within 200 feet:** Prospect Hill

**Applicable Agencies:** Lackland

## **Property Details**

**Property History:** The property was part of the original 36 square miles of the City of San Antonio and previously zoned "C" Apartment District. The property was converted by the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, from "C" Apartment District to "MF-33" Multi-Family District. The property was then rezoned by Ordinance 2023-08-03-0516, dated August 03, 2023, from "MF-33" Multi-Family District to 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 floodplain.

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

**Direction:** North

**Current Base Zoning:** R-6, MF-33

**Current Land Uses:** Single-Family

**Direction:** East

**Current Base Zoning:** R-6

**Current Land Uses:** Single-Family

**Direction:** South

**Current Base Zoning:** R-6

**Current Land Uses:** Single-Family

**Direction:** West

**Current Base Zoning:** R-6

**Current Land Uses:** Single-Family

### **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:**

None.

**Transportation**

**Thoroughfare:** Monterey Street

**Existing Character:** Local

**Proposed Changes:** None Known

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

**Routes Served:** 75, 76

**Traffic Impact:** TIA report is not required.

**Parking Information:** The minimum parking requirement for R-4 CD for four (4) dwelling units is 1.5 spaces per unit and the maximum parking requirement is 2 spaces 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 CD" 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.

The Conditional Use is to permit four (4) dwelling units.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center but is within ½ a mile from the Commerce-Houston Metro Premium Plus 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 located within the Guadalupe Westside Community Plan, adopted May 3, 2007, and is currently designated as "Low Density Residential" in the

future land use component of the plan. The requested "R-6 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.
3. **Suitability as Presently Zoned:** The current "R-6" Residential Single-Family District is an appropriate zoning for the property as it is consistent with the future land use designation and the established development pattern of the area. The property has a single-family house constructed in 1911 with three dwelling units in the primary structure, and one detached accessory dwelling unit. The requested "R-6 CD" Residential Single-Family District with a Conditional Use for four (4) dwelling units is also an appropriate zoning for the property as it is aligning with the land use and updating the zoning to align with existing use. By maintaining consistency with the surrounding environment, the proposed residential zoning change promotes a sense of continuity and integration, reinforcing the identity of 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 not appear to conflict with the following public policy objectives of the Guadalupe Westside Community Plan.

GOAL 20: HOUSING Improve the quality, variety, and accessibility of the private and public housing stock within the Guadalupe Westside Community for individuals of all ages and economic levels.

OBJECTIVE 20.1: DIVERSITY OF HOUSING Promote a diverse variety of housing stock in the community that sustains all ages and economic groups.

OBJECTIVE 20.2: HOME IMPROVEMENT AND MAINTENANCE Improve the quality of the community's existing housing stock and properties by encouraging investment in maintenance, rehabilitation, and infill.

6. **Size of Tract:** The 0.1838 acre site is of sufficient size to accommodate the existing single-family dwelling.
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 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 allow for the existing four (4) dwelling units.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates residential uses. The applicant is rezoning to allow for the existing 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.