



# 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-2023-10700247 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:** December 5, 2023. This item was continued from the November 7, 2023 hearing.

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

**Property Owner:** Raul Garcia and Jesus Garcia

**Applicant:** RG Services

**Representative:** RG Services

**Location:** 5703 Macdona Street

**Legal Description:** Lot 21 and Lot 22, Block 2, NCB 8951

**Total Acreage:** 0.1403

### **Notices Mailed**

**Owners of Property within 200 feet:** 41

**Registered Neighborhood Associations within 200 feet:** Tierra Linda

**Applicable Agencies:** Lackland Air Force Base, Planning Department, TxDOT

### **Property Details**

**Property History:** The subject property was located within the original 36 square miles of the City of San Antonio and zoned "B" Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B" Residence District converted to the current "R-4" 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-4

**Current Land Uses:** Residential Dwelling

**Direction:** East

**Current Base Zoning:** C-1

**Current Land Uses:** Future Commercial Development

**Direction:** South

**Current Base Zoning:** R-4

**Current Land Uses:** Residential Dwelling

**Direction:** West

**Current Base Zoning:** R-4

**Current Land Uses:** Residential Dwelling

### **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:** Macdona Street

**Existing Character:** Local

**Proposed Changes:** None known.

**Thoroughfare:** South Interstate Highway 35

**Existing Character:** Interstate

**Proposed Changes:** None known.

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

**Routes Served:** 46, 246, 515

**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 dwelling units is 1.5 spaces per unit. The maximum parking requirement for 4 dwelling units is 2 spaces per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "R-4" Residential Single-Family District permits 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 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 "CD" Conditional Use is 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 and not within ½ a mile from a 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 located within the Nogalitos/South Zarzamora Community Plan, adopted September 2004, and is currently designated as "Medium Density Residential" in the future land use component of the plan. The requested "R-4" 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 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 District with a Conditional Use for four (4) dwelling units is also an appropriate zoning. There is an existing fourplex down the road and future commercial development across the street, so the proposed density is within the character of the established community. The request would maintain the base zoning district of "R-4" and the "CD" Conditional use would allow two (2) duplexes as shown in the submitted site plan. Any major deviation from the approved site plan would require additional Council consideration. The proposed additional density is also in alignment with the Strategic Housing Implementation to support more housing for the City's growing population.
- 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:

- Growth & City Form (GCF) Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
- GCF Policy 8: Continue to focus on the revitalization of neighborhoods adjacent to downtown and extend these efforts to regional centers, urban centers and transit corridors.
- 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.

Relevant Goals and Objectives of the Nogalitos/South Zarzamora Community Plan may include:

- Housing 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.
- Housing Objective 1.2: Diversity of Housing - Provide a variety of housing types that sustain all ages and economic groups.
- Housing Objective 1.2.3: Encourage quality infill housing that fits the character of the neighborhood.
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6. **Size of Tract:** The 0.1403 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 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 two (2) duplexes, totaling four (4) residential 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.